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HISTORY  
OF THE  
PROVINCE OF PENNSYLVANIA

BY  
SAMUEL SMITH (1720-1776)

EDITED BY  
WILLIAM M. MERVINE

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PUBLISHED BY THE COLONIAL SOCIETY OF PENNSYLVANIA

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## NOTE BY THE EDITOR

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*The History of the Province of Pennsylvania* has been printed from Samuel Smith's manuscript in the library of The Historical Society of Pennsylvania. As an examination of his history of New Jersey indicates, this manuscript would have been carefully edited by the author before publication, but it has been deemed best to follow the orthography and punctuation of the original.

The author divided his work into two parts, of which this is the first. The second part contains: *The introduction, and some account of the religious progress of the people called Quakers therein, [Pennsylvania] including the like account respecting the same people in New Jersey, as constituting one yearly meeting.* This second portion was printed by Samuel Hazard in *The Register of Pennsylvania*, Volumes VI and VII, 1830-1831, with the exception of Chapters XVI and XVII, which were omitted as they contain nothing but a letter from Elizabeth Webb, giving an account of her religious experience, to Dr. Boehm, and his reply, both of which have we understand been published in a pamphlet; and as directions are likewise given to the transcriber of Smith's MS. to omit copying them.

Samuel Smith, the author of *The History of the Province of Pennsylvania*, was of Quaker stock, the great-grandson of Richard Smith of Bramham in the West Riding of Yorkshire, one of the original proprietaries of West Jersey and a signer of *The Concessions and Agreements of the Proprietors, Freeholders and Inhabitants of the Province of West New Jersey, in America*, 1676.

He had by his wife Anne Yeates, Samuel Smith of Bramham, who settled in West Jersey in 1694, married Elizabeth Lovett, and was a member of the General Assembly for several years.

Richard Smith Esquire, of *Green Hill*, Burlington County,



New Jersey, son of the last named Samuel, was born in 1699; he represented Burlington County in the General Assembly for nearly twenty years, married Abigail Rapier, and died in 1751.

Samuel Smith the historian, son of the last named, was born in Burlington, December 13, 1720, a member of the Religious Society of Friends. He was educated at home, and at an early age served as a member of the Council and of the General Assembly of New Jersey. In 1768 he and his brother John, and Charles Read, were made custodians of the seals of the province, during the absence of Governor William Franklin in England. Samuel Smith was treasurer of the Western Division of New Jersey from 1751 to 1775.

He made a collection of materials for histories of New Jersey and Pennsylvania, and of the Society of Friends in those provinces. In 1765 he published, *The History of The Colony of Nova-Cæsaria, or New Jersey; containing an Account of its First Settlement, Progressive Improvements, The Original and Present Constitution, and Other Events, To the Year 1721, with some Particulars Since; and A Short View of Its Present State. By Samuel Smith. Burlington, in New Jersey: Printed and Sold by James Parker: Sold also by David Hall, in Philadelphia. MDCCLXV.*

Mr. Smith married in November, 1741, Jane daughter of Joseph Kirkbride, by whom he had children, Joseph, Abigail, Sarah and Richard. He died at his residence, *Hickory Grove*, near Burlington, July 13, 1776. (Smith, *The Burlington Smiths*, 1877, pp. 101, 117, 209. *Archives of the State of New Jersey. First Series. Volume IX*, p. 394. *Appleton's Cyclopædia of American Biography*. 1888.)

WILLIAM M. MERVINE.

THE HISTORY OF  
THE PROVINCE OF  
PENNSYLVANIA

BY  
SAMUEL SMITH





## PREFACE

My design in the following sheets was to secure to the public, an account of the original manner of settling with a regular connection of such principal transactions for the first forty years afterwards as I could obtain. I was at the conclusion of that period too young for much observation:—the merit of this collection (if any) must consequently principally rest upon materials left by others: such of these as I have here and appeared to me sufficiently founded, and worthy of credit, either from publick notoriety or undisputed memorials, original settlers, & records; or from probabilities supported by incidents, many of them apparently incapable of deception:—And nothing depending barely upon the memory of any man was adopted without caution;—The last however was but a small part.

I give this short view of things merely to disclaim either merit or responsibility respecting the matters introduced; They are simply the product of such of the above materials as were fit for public use, and in the readers estimation must stand or fall as they appear to deserve; with regard to the propriety of the choice, I had the difficulties to encounter common on such occasions—A profusion of matter in some instances—scarcely sufficient in others:—I selected with the judgment I had and endeavoured to arrange with as much clearness and method and comprise them in as few words as I well could.

To those acquainted with the original state of literature in the province, embarrassm<sup>ts</sup> will readily occur in attempting a particular view of all the persons materially concerned in the first improvements;—such of them as were active in legislation fell in course to mention—Not many others are or could be properly introduced in the first part—let it suffice that the early settlers in general, tho' not many of

them men of learning or science, were known to be people of reputation and credit. They went through many hardships to improve the country, and did it on their own expences, at least without much charge or difficulty to the parent-state. Some of them brought effects to a considerable value, some spent them in improvements, others gained, and of these a large number, their children feel it, and are or probably may be as happy as their own economy will allow.

I have remarked somewhere in the History on the inconvenience of descending minutely into the particulars of several of the later sessions of Assembly; A deference to general sentiments seemed to dictate such a caution, both to avoid a sameness of matter and for the reason then given, that their proceedings are now printed, so that any additional satisfaction on the subjects treated of, is easily had. The more material parts give a general view of the times, and mark events and characters with a degree of precision and exactness not to be expected elsewhere, & were therefore thought sufficient to answer the purposes of this part of the undertaking.

An account of the natural curiosities and Botanical discoveries; and of the many fine improvements in Building and other works of convenience and charity, with a particular Geographical description of the Counties, Towns, and Districts throughout the province, might be an acceptable present abroad, but to do it effectually would require a skill in and turn to the business that I have not, and more time and labor (If I had) than could now be spared.—They who clear a road through this naturally rough country commonly mean it only for use till a better is provided; this first attempt towards a History of that flourishing province so far as it goes, may at least furnish materials—perhaps otherwise excite to a more compleat & finished work.

In writing for the public, espescially in attempt<sup>s</sup> anything new, diffidence is natural—success may be deserved—Anxiety will not always command it—He who, after having

done his best can preserve a Philosophical indifference in the hour of experiment may remain equally unconcerned as to events & solicitude, as for one I must own I have upon this occasion both a wish and a hope, but yet after having submitted involuntary errors to the candor of the public will *endeavor* to be content with the service I aim'd at, be it less or more as it happens to prove.—

With respect to the progress of Friends as a religious Society, tho there is reason to conclude it was very early under the consideration of the first Settlers to have their history composed, nothing appears on the Yearly Meeting records relative thereto till the year 1727 when some Papers that Caleb Pusey had preserved were by his order (after his decease) laid before the meeting for public service as opportunity to use them offer'd by such as might be capable and willing to undertake the business.

In 1728 the said Papers coming under the consideration of the Yearly Meeting, and many Friends appearing desirous to have such a history carried on, the meeting ordered the Papers to be deliver'd to David Lloyd, who offer'd himself to that service: He with Isaac Norris were desired to view, and consider them, and make what progress they could therein.

In their hands the papers remained till the next year, when they were brought to the meeting again, w<sup>th</sup> a report that nothing was done therein, and thus it rested till the year 1734, when a request coming from Burlington Quarterly Meeting to be informed what progress was made it came under consideration again, & Isaac Norris informed the Meeting he had delivered the Papers lodged with him on that account to James Logan, who (he said) discovered some inclination to undertake that affair, John Kinsey was thereupon desired to speak with him on that subject, and to request his undertaking it, if he was so inclined, but if otherwise, to deliver him the papers.

At the meeting in 1735 John Kinsey reported that James Logan delivered to him the said Papers, on which, that meet-



ing desired Samuel Preston, William Hudson, Robert Jones, Job Goodson, Caleb Raper, and the said John Kinsey to review those papers, and make report thereof to the next yearly meeting, and in the mean time they were desired to collect any further materials they might think necessary.—

The yearly meeting in 1736 received an Epistle from Benjamin Holmes urging it, and John Kinsey also now reporting he had pursuant to the minute of last Meeting perused the Papers formerly Caleb Pusey's; and made a collection of divers materials proper for the composing such an Account of the settlement of these Provinces as Friends were desirous of.

He was therefore continued in the service, and so remained till his death. Multiplicity of other business probably prevented him from doing much on the subject, and since his death it has too long suffered in the same way, however, not without gaining from time to time additional materials of considerable use.—

The relation of such Friends of the Ministry as came to visit these colonies from Europe may I believe be looked upon nearly complete, but of such who came from the adjacent provinces, or travel'd from here, there, so much cannot be said, nor with regard to the deaths of such of the settlers who deserved mentioning: The account of these is rather imperfect, nor will it be wondered at, when the distance of time, and the difficulties of this part of the work is considered, for there was very little help of this kind from any regular records: I was obliged to collect them here and there wherever they could be got, hence it was that so few besides those who had been in some public service or employment could be found.—

The account of the settlement of Meetings in these provinces is more, or less particular according to the informations I received about them, and tho' it may be sufficient to answer the design of its being publish'd, it is not quite so circumstantial, nor in some parts so intelligible as could have been wish'd.

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# THE HISTORY

OF THE

## PROVINCE OF PENNSYLVANIA

### CHAPTER I.

WILLIAM PENN PETITIONS FOR, AND IS INVESTED WITH THE SOIL AND GOVERNMENT: K. CHARLES II<sup>d</sup>'S DECLARATION IN CONSEQUENCE THEREOF. AN ACCO<sup>t</sup>. OF THE COUNTRY, & TERMS OF SETTLEMENT. ARRIVALS OF SETTLERS. WILLIAM PENNS LETTER TO THE INDIANS: PUBLISHES THE FIRST FRAME OF GOVERNMENT: SETS SAIL FOR THE NEW COUNTRY: MEETS THE FIRST ASSEMBLY. SUNDRY LAWS PASSED: HIS REASON FOR ACCEPTING THE ADMINISTRATION.

Seldom does an act of humanity and kindness go without its reward in one shape or other—sometimes it hath consequences quite unexpected. Edward Byllinge, the original proprietor of West-Jersey under purchase from lord Berkeley, had got into difficulties so as to dispose him to assign his estate for the benefit of his Creditors, and prevailing upon William Penn to be one of his trustees; in the execution of this trust it was that he became one of the principal promoters of the settlement of West-Jersey, and by his concerns there from about the year 1665 He seems to have first gained the knowledge of that more considerable tract of land, of which he afterward became the sole proprietor and which is only divided from New *Jersey* by the river *Delaware*;—he had a right to claim a considerable sum of money due to the admiral his father, as well for sums actually advanced for the sea service, as for arrearages in his pay. He petitioned King Charles the second, in the summer 1680, praying that in consideration thereof, letters patent might be granted to him for a tract of land in America, lying North of *Maryland*, on the east bounded with *Delaware River*, on the west limited as *Maryland*, and



northward to extend as far as plantable: This was first laid before the privy council, then the lords, committee for trade and plantations; and after several meetings upon the occasion, in which the objections from the duke of York, by his agent Sir John Werden, as proprietor of that tract of land, since called *the counties of New-Castle, Kent & Sussex*; & lord Baltimore, proprietor of Maryland, were fully heard and debated: Lord chief Justice *North*, and S<sup>r</sup> W<sup>m</sup> Jones the attorney-general being also consulted, both as to the thing and the manner of doing it: The matter was at length resulted in *William Penns* favor, and he accordingly was invested with the soil and government of all that tract of land, now called Pennsylvania:<sup>a</sup> The Kings declaration to the inhabitants and planters of the province of *Pennsylvania* in consequence of it, was as followeth.

“CHARLES R.

“WHEREAS his majesty in consideration of the great merit and faithful services of Sir William Penn deceased, and for divers other good causes, him thereunto moving hath been graciously pleased by letters patent, bearing date the *fourth* day of *March* last past, to give and grant unto William Penn Esq: son & heir of the said Sir William Penn, all that tract of land in America, called by the name of Pennsylvania, as the same is bounded on the east by Delaware river, from twelve miles distance northward of New Castle: town, unto the three and fortieth degree of northern latitude, if the said river doth extend so far northward, and if the said River shall not extend so far northward, then by the said river so far as it doth extend, and from the head of the said river the eastern bounds to be determined by a meridian line to be drawn from the head of the said river, unto the said three and fortieth degree, and the said

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<sup>a</sup> The Grants, Charters, Concessions, Framd Laws &c being already in the hands of the public, it was thought unnecessary to reprint them here—See Penns<sup>a</sup> Laws, Votes &c. Vol. I.

province to extend westward five degrees in longitude, to be computed from the said eastern bounds, and to be bounded on the north by the beginning of the three and fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles distance from New Castle northwards, and westward unto the beginning of the fortieth degree of northern latitude, and then by a streight line westward to the limit of longitude above mentioned: Together with all powers, preheminencies and jurisdictions necessary for the government of the said province, as by the said letters-patent, reference being thereunto had, doth more at large appear.

“His Majesty doth therefore hereby publish and declare his royal will and pleasure, that all persons settled or inhabiting within the limits of the said province do yield all due obedience to the said William Penn his heirs and assigns, as absolute proprietaries and governors thereof, as also to the deputy or deputies, agents or lieutenants, lawfully commissioned by him or them, according to the powers and authorities granted by the said letters patent, wherewith his majesty expects & requires a ready compliance from all persons whom it may concern as they tender his majesty’s displeasure.

“Given at the court at Whitehall, the second day of April 1681, in the three and thirtieth year of our reign

“By his majesty’s command

“CONWAY.”

William Penn being now by royal authority invested with the soil and government of *Pennsylvania*, soon published an account of the country, with the Kings patent and other papers relating thereto, describing the situation & soil and what it produced, as well as he then could, and proposing an easy purchase of lands,<sup>b</sup> and good terms of

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<sup>b</sup> The terms were *forty shillings* sterling, for a hundred acres, and *one shilling* a year forever.

settlement for such as might incline to transport themselves, summing up the whole with this christian caution. "To conclude (says he) I desire all my dear country-folks, who may be inclined to go into those parts, to consider seriously the premises, as well the present inconveniency as future ease, and plenty, that so none may move rashly or from a fickle but solid mind, having above all things an eye to the providence of God in the disposing of themselves, and I would further advise all such, at least to have the permission, if not the good liking of their near relations, for that is both natural, and a duty incumbent upon all, and by this means, will natural affections be preserved, and a friendly and profitable correspondence, between them, in all which I beseech almighty God to direct us, that his blessing may attend our honest endeavors, and then the consequence of all our undertakings will turn to the glory of his great name, & all true happiness to us, and our posterity. Amen."

Upon publishing these proposals, a great number of purchasers soon appeared, from London, Liverpool, and especially about Bristol, among these were James Claypoole, Nicholas Moore, Philip Ford and others who formed a company, and having purchased 20,000 acres of land, they published articles of trade, and soon afterwards put them in execution, by entering into sundry branches, which were improved upon by other hands; and the proprietor having now sold a considerable quantity of land, the next step was with the purchasers to agree upon a constitution of government, which was concluded on as stipulated in the first concessions.

The first or one of the first ships that arrived now about, was called the *John & Sarah*, of London, Henry Smith commander: In the latter part of this year, two ships were fitted out, one from London, the other from Bristol, to carry passengers to the new purchase. That from London was call'd the *Amity*, Richard Dimon Master, she



was blown off to the West Indies, & did not arrive at Pennsylvania, 'till the spring of next year.—That from Bristol, was called the *Bristol Factor*, Roger Drew master,—she arrived at Chester the 11th of December this year, the passengers saw three or four houses & ventured to hawl ashore at Robert Wades landing, 'joining Chester Creek, on the lower side, and the river having froze up that night they remained there all winter. William Penn from a motive of Justice as well as to secure the new planters from the native Indians who in some other provinces, being injuriously dealt with, had made reprisals to the loss of many lives, gave orders to treat them with all candor and humanity, and appointing his cousin William Markham to be his deputy governor, joined with him, commissioners to confer with them about land, and to confirm a league of peace, by whom in one of those ships he also sent them the following letter:

“LONDON, the 18<sup>th</sup> of the 8<sup>th</sup> month 1681.

“MY FRIENDS,

“There is a great God and power, that hath made the world and all things therein, to whom you, and I and all people owe their being, and well-being, and to whom you and I must one day give an account for all that we do in the world—This great God hath written his law in our hearts, by which we are taught and commanded to love and help and do good to one another—Now this great God hath been pleased to make me concerned in your part of the world, and the King of the country where I live hath given me a great province therein, but I desire to enjoy it with your love and consent, that we may always live together as neighbours and friends, else what would the great God do to us, who hath made us not to devour and destroy one another, but to live soberly and kindly together in the world, now I would have you well observe, that I am very sensible of the unkindness & injustice, that hath been too

much exercised towards you by the people of these parts of the world, who have sought themselves and to make great advantages by you, rather than to be examples of goodness and patience unto you, which I hear hath been a matter of trouble to you, and caused great grudgings & animosities, sometimes to the shedding of blood, which hath made the great God angry, but I am not such a man, as is well known in my own country. I have great love and regard towards you, and I desire to win and gain your love and friendship, by a kind, just, and peaceable life, and the people I send are of this same mind, and shall in all things behave themselves accordingly, and if in anything, any shall offend you, or your people, you shall have a full and speedy satisfaction for the same, by an equal number of just men on both sides that by no means you may have just occasion of being offended against them. I shall shortly come to you myself, at what time we may more largely and freely confer and discourse of these matters, in the mean time I have sent my commissioners to treat with you about land, and a firm league of peace: Let me desire you to be kind to them, & the people, and receive these presents and tokens, which I have sent you, as a testimony of my good will to you, and my resolution to live justly, peaceably, and friendly with you.

“I am, your loving friend

“WILLIAM PENN.”

In these ships, William Penn sent divers servants; Among the passengers were John Otter, Nathaniel Allen, and Edmund Lovett, with their families. Among the servants in one of those ships was Joseph Kirkbride, then a lad, who afterwards proved one, among many instances that are now to be found in families of some consequence in the province, that where a proper care and conduct was followed, original difficulties of that kind were rather the means of improvement than otherwise.

In the beginning of the year 1682, W. Penn publishd his frame of government, and in the month following certain laws being agreed upon by himself and the purchasers under him, they were also published.<sup>c</sup>

The time was now nearly come in which W. Penn had determined to make a voyage to the new country himself, having spent some months in settling his affairs in England, particularly in first obtaining the duke of Yorks title to that tract of land, since called *the three lower Counties*, which was at length effected, according to the deeds for that purpose.<sup>d</sup>

Directly after obtaining these deeds, W. Penn prepared for his voyage and in the month called July, this year, accompanied with divers of his friends took shipping in the *Wellcome*, of about 300 Tons burthen *Robert Greenaway* Commander, and on the 30th of the same month he writ from the Downs, A farewell to England, being an epistle, containing *a salutation to all faithful friends*, during the voyage his fellow passengers found their account in having his company, many of them fell sick with the small pox, and about 30 died, however, after a prosperous voyage of about six weeks, they came within sight of the American Coast, supposed to be about Egg-harbor. The number that at first came on board, were about one hundred persons, mostly *Quakers*, but some others, the greater part came from Sussex, which was the proprietors place of residence, sailing up the Delaware, the inhabitants, as well Dutch and Swedes,<sup>e</sup> as English, met W. Penn, with demonstrations of joy; he landed at New Castle, and the next day after his arrival, he had the people summoned together at the Court House, where possession was legally given him, after which, he made a speech to the old magistrates, and the people, signifying to them, the end of his coming, the

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<sup>c</sup> Votes, p: xxvii. to p: xxxv.

<sup>d</sup> Votes, p: xxxv. &c.

<sup>e</sup> The reader desirous of seeing a particular account of the settlement of the Swedes and Dutch here, is refer'd to the author's history of New Jersey.



nature and end of government, and of that more especially which he came to establish—assuring them of their spiritual and temporal rights—liberty of conscience, and civil freedoms; and recommending to them to live in sobriety and peace one with another. He renewed the magistrates commissions, and then went from thence to Upland or Chester, where the fourth of the tenth month in this year (about three months after his sailing from England) he called an Assembly, which consisted of equal numbers from the province and territories, that is from both, as many of the freemen, as thought fit to appear, according to the sixteenth article of the frame of government.<sup>f</sup> This assembly chose Nicholas Moore president of the free society of traders, chairman, or speaker and proceeding to business, received as ample satisfaction from the proprietor, as those at New Castle had done, of which they made him a thankful acknowledgment, and the Swedes on their part deputed Lacy Cock to acquaint him, *they would serve, love and obey him, with all they had*, declaring that *it was the best day they ever saw*—at this assembly New Castle was annex'd to Pennsylvania, the Act for that purpose, and the Act of settlement may be seen. Appendix to the Votes, p: 1 and 2.

After this the Dutch and Swedes, and such other foreigners as were among them, were now also naturalized, and all the laws that had been agreed upon in England, were passed in form—some were more fully worded, and not withstanding the variety of dispositions, sentiments of love and candor prevaild:—the meeting continued three days, the heads of the laws agreed to, were as follow:  
1. Of liberty of conscience. 2. Qualification of officers &c.  
3. Against swearing by God, Christ or Jesus. 4. Against swearing by any other thing or name. 5. Against speaking profanely of God, Christ, spirit, or scriptures. 6. Against cursing. 7. Against defiling the marriage-bed. 8. Against

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<sup>f</sup> This was doubtless calculated that the fundamentals of government might be ascertain'd to general satisfaction.

incest. 9. Against sodomy and bestiality. 10. Against rape or ravishment. 11. Against bigamy. 12. Against drunkenness. 13. Against sufferers of drunkenness. 14. Against health-drinking. 15. Against selling or exchanging of rum, brandy or other strong liquors to Indians. 16. Against wilful firing of houses. 17. Against breaking into or taking anything out of houses. 18. Lands and goods of thieves and felons &c., liable &c. 19. Against forcible entry. 20. Against unlawful assemblies and riots. 21. Against assaulting and menacing of parents. 22. Against assaulting and menacing of magistrates. 23. Against assaulting & menacing of masters. 24. Against assault and battery. 25. Against duels. 26. Against riotous sports and practices, as prizes &c. 27. Against playing at cards, dice, lotteries &c. 28. Against sedition. 29. Against speaking slightly, or abusive carriage against magistrates or officers. 30. Against reporters, defamers, and spreaders of false news. 31. Against clamorous persons, scolders, and railers. 32. Provision for the poor. 33. Prices of beer and ale. 34. Measures and weights. 35. Names of days and months. 36. Witnesses dying. 37. Pleadings, processes, and records to be in English. 38. Trials in civil and in criminal matters. 39. Fees, and salaries, bribery, and extortion. 40. Fines to be moderate &c. 41. Numerous suits avoidable. 42. Arrest of a person departing the province, how. 43. Promises bargains, and agreements. 44. Charters, gifts, grants, conveyances, bills, bonds and specialties, deeds, and how soon to be recorded. 45. Wills shall convey land as well as chattels. 46. Will of *non compos mentis* void. 47. Registry for wills. 48. Registry for servants &c. 49. Factors and their employers. 50. Against defacers, corrupters, and embezlers of charters, conveyances and records &c. 51. How lands and goods shall pay debts. 52. What persons areailable. 53. Goals and Goalers. 54. Prisons shall be workhouses. 55. Wrongful imprisonment. 56. Where the penalty is either a sum

of money or imprisonment, the magistrate shall inflict which he will. 57. Freemen, who. 58. Elections. 59. No money or goods by way of tax, custom, or contribution, to be raised or paid but by law. 60. Law's shall be printed and taught in schools. 61. All other things not provided for herein, refer'd to the governor and freemen from time to time.

After the adjournment of this assembly, W. Penn went to Maryland, and was there kindly received by lord Baltimore, and the chiefs of the colony—they held a treaty about settling the bounds of their provinces, but the season of the year not admitting the conclusion of that business, after two days conference he took his leave, lord Baltimore accompanied him three miles, to the house of William Richardson, from thence W. Penn went two miles farther, to a meeting of his friends at the house of Thomas Hooker, and afterwards forwarded his journey to Choptank, on the eastern shore, where was to be an appointed meeting of people of several ranks and qualities. Thus he proceeded to settle his government and province, and to establish a good correspondence with his neighbours, “nor was” says the author of his life “the advancement of himself or family in worldly wealth and grandeur his aim in the administration of government, but in the greatest honour of his public station, he still retain’d the meekness and humility of a private christian, the sincerity of his intentions, and with what zeal and ardor he pursued a general good, are best expressed by his own words in a letter to a person who had unduly reflected on him, viz:

“MY OLD FRIEND,

“I would speak largely of Gods dealings with me in getting this thing what an inward exercise of faith and patience it cost me in passing; the travail was mine as well as the debt and cost, through the envy of many both professors, false friends, and profane—My God hath given it me in the face of the world, and it is to hold it in true judg’-



ment as a reward of my sufferings, and that is seen here, whatever some despisers may say or think.—The place God hath given me, and I never felt judgment for the power I kept, but trouble for what I parted with. It was more than a worldly title or patent that hath clothed me in this place. Keep thy place, I am in mine, and have served the God of the whole earth since I have been in it, nor am I sitting down in a greatness that I have desired, I am day and night spending my life, my time, my money, and am not six pence enriched by this greatness costs in getting, setling, transportation, and maintenance now in a public manor at my own charge duly considered, to say nothing of my hazard, and the distance I am at from a considerable estate, and which is more, *my dear wife and poor children*. Well—the Lord is a God of righteous judgment, had I sought greatness, I had staid at home, where the distance between what I am here, and was offerd and could have been there in power and wealth is as wide as the places are—No, I came for the Lords sake, and therefore have I stood to this day well and diligent, and successful, blessed be his power. Nor shall I trouble myself to tell thee what I am to the people of this place—In travels, watchings, spendings, and my servants every way freely (not like a selfish man) I have many witnesses—To conclude it is now in friends hands, through my travail, faith and patience it came. If friends here keep to God, and in the justice, mercy, equity and fear of the Lord, their enemies will be their footstool, if not, their heirs, and my heirs too, will loose all, and desolation will follow; but blessed be the Lord, we are all well, and live in the dear love of God, and the fellowship of his tender heavenly spirit, and our faith is for ourselves and one another, that the Lord will be with us a king, and a counsellor forever.

“Thy ancient, tho’ grieved Friend

“WILLIAM PENN.”

“CHESTER, 5th of the 12<sup>th</sup> mo: 1682.”

The passengers that came in the same ship with W. Penn, were of themselves a large number, and divers other ships coming about the same time, the country near Delaware, was in a manner peopled at once, the settlers dispersing themselves up and down the province, according to the allotments of their different shares of land, of which the curious reader may see a particular account in Greens map of Pennsylvania, it thereby became very soon peopled from the Falls to Chester, about fifty miles distance on the river Delaware, near which they generally chose their first settlements, their first care was to keep up religious worship, in the different parts of the province whereon they settled, those of them who had fixed near where the City was to be, first met at the houses of the inhabitants, but soon built a boarded meeting house, and having by their general conduct gained great reputation, both as to religion and civil police it drew many settlers thither.

In this, and the two succeeding years, there arrived ships with passengers from London, Bristol, Ireland, Wales, Cheshire, Lancashire, Holland and Germany &c., to the number of about fifty sail. Among those from Germany, where some friends from Krisheim, a town not far from Worms in the Palatinate, some families there being early convinced of the principles of the quakers, by the preaching of William Ames, had there borne a public testimony for it until now, when they unanimously came to Pennsylvania, not as it seemed without a singular direction of providence: for, not long after, a war ensued in Germany where the Palatinate was altogether laid waste by the French, and thousands of people were bereft of their possessions and reduced to poverty.\*

Many of the passengers in the ships above, brought servants, they were generally persons of reputation, and they had forethought enough to bring many of the necessities

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\* Sewels History p. 202.

of life, both of food and raiment, till with care and industry they could raise subsistence here, and besides what was wanting for food and raiment, they brought household goods and implements—husbandmen, those for husbandry— and tradesmen the tools of their trade, most of them were of those called Quakers, and many of the early stock, some also of that profession among the Welsh, having early purchased of the proprietor in England forty thousand acres of land, many of them came over about this time and took up so much of their purchased land, to the westward of Schuylkill river, as made the three townships of Merrion, Haverford, and Radnor, and in a few years afterwards they were increased so considerably as to have settled three townships more, viz: Newtown, Goshen, and Uwchland, all which are since increased and they are now a numerous and flourishing people.



## CHAPTER II.

DIFFICULTIES OF THE SETTLERS—A PEACE CONCLUDED WITH THE INDIANS,  
& LANDS PURCHASED OF THEM—THEIR GREAT AFFECTION FOR WILLIAM  
PENN—HE LAYS OUT THE CITY OF PHILADELPHIA—MEETS THE COUNCIL  
AND ASSEMBLY—A CHARTER CONCLUDED ON.

1682. The coming in of so many settlers in two or three years, must, notwithstanding their provision from home, very much incommode one another, respecting eatables, the people they found settled there, tho' they were a considerable help to them, being but few and most of them but lately come, could not be supposed to have much provision to spare, this, considered with the little House-room to be had, we may readily imagine them exposed to many straits and difficulties, for here were not only men of the more hardy sort, regardless of accommodations, but those advanced in years, and Women and children, many of whom had lived in ease and plenty. When the purchasers landed they got warrants, and took up, that is, surveyed, what land was immediately sufficient for settling, and getting their goods on shore, those that could, crowded them into some house, or out-house for a while, others went directly further into the woods, to the different places where their lands were laid out, some probably without path or road to direct them; of these there were scarce any to be found, two miles from the water side, or sign of any European's having been there, as to the Indians, they seldom travel'd so regularly, as to be followed by footsteps, except perhaps, from one of their towns to another; their huntings were rather like ships at sea, without track or path, so that all further than about two miles back (excepting the Indians movable settlements) was a wilderness, the earth producing little spontaneously

to sustain the life of man, but nuts and berries, which were the support of the native birds and beasts. The lodgings of some of the first settlers, were in the woods, and a chosen tree all their shelter, this sometimes happened late in the fall or winter; in a little time they either got caves in the earth, or huts above it, but as timber was plenty, they soon found a way to make better houses.—These difficulties however, and others of a like sort were discouragements. Europeans generally speaking had then but very little notion of improvements among woods; indeed, to come from an open improved country, and stationed as they were in a wilderness it is not to be wondered at—the frightful look of land in the rough from whence they were to get their bread and that without road or bridge in many places and full of wood, this to be cleared, and that effected by labor, before things could be brought to any tolerable order, but the soil was fertile, the air mostly clear, & the streams of water were good and plentiful, and materials for building were to be met with in abundance.—And as they were a religious people, who knew their views to be good and that Industry was necessary they accordingly went cheerfully to work in cultivat<sup>s</sup> the land, and so made way for a crop of Indian corn, the succeeding spring. In a year or two they began upon wheat and other grain, and thus went on improving, till, having got things comfortably about them, many of them lived to old age, often recollecting and speaking of the favours of Divine Providence in preserv<sup>s</sup> them thro' the difficulties they encountered in the first settlement:—

W. Penn being now return'd from Maryland to *Coaquanock*, which was the Indian name of the place, where the city of PHILADELPHIA stands—continued an amicable correspondence with the natives, of whom he began to purchase land, and by personal conference, concluded a firm peace with them, they mutually promised to live together as

bretheren, without doing the least hurt or wrong to each other, this was solemnly ratified by the usual token of a chain of friendship, and covenant indelible *never to be broken, so long as the sun and moon endure*. Of this kind of conference he had afterwards many others, and some on a religious account, both the first and last time of his being in the country, to whom his conduct in general was so engaging, his justice in particular so conspicuous, and the council he gave them, so evidently for their advantage, that it greatly endeared him to them, and has left such impressions among them, that his name & memory will scarcely ever be effaced while they continue a people. That they retain these things, and hand them by tradition from father to son, many instances have since shewn, of which one was in 1721 in a conference between Sir William Keith, the then governor of Pennsylvania, and the five nations at Conestogo. Their chief speaker with countenance of great respect said, they *should never forget the council that William Penn gave them*, and that, tho' they could not write as the English did, yet they could keep in memory what was said in their Councils, the treaty renewed in the year following at Albany, they mentioned the name of William Penn with great affection, calling him *a good man*, and as their highest compliment to Keith, used this expression, *We esteem and love you, as if you were William Penn himself*, telling him, *Brother Onas*, (which in their language signifies *a pen*, by which name they call the governors of Pennsylvania since it was first settled by Penn). *We are glad to hear the former treaties we have made with William Penn, repeated to us again, and renewed by you*. And the governor replying that *he desired this visit and the covenant chain which is hereby brightened may be recorded in everlasting remembrance to be sent down to your and our children, and to our children's children, to last as long as the mountains and rivers, the sun and moon endure*. They answered, *We desire that peace and*



*tranquility that is now established between us, may be as clear as the sun shining in its lustre without any Cloud or darkness, & that the same may continue forever.* These, of many, are a few instances to shew they retain'd their first impressions, and the sense they had of the proprietors fair and candid treatment. The conduct of some of the Indians, tho' justice to the fidelity of the original stock of the five nations, requires an exemption as to them, in and about the year 1754, was a shocking deviation from the whole course of their former conduct with the English, the cause of this, falling too late to be properly introduced here, might be sought for in the history of that time.

W. Penn having finished his business with the Indians, proceeded by the help of his surveyor-general Thomas Holmes, to lay out the city. The spot that had been chosen was claimed by some of the Swedes, in lieu thereof, he exchanged with them a greater quantity of land at a little distance, the part along the river being a dry, high bank, with a bold shore, a fine view of pine trees grew there and from the Delaware made a handsome appearance,—there was the high bank where many of the first comers had found or made holes for their shelter. The first House in the city was not finished at the Proprietors arrival, it was building by George Guest in Budds row, near that, call'd Powell's dock. He many years afterwards kept a tavern, call'd the *blue anchor* there: but soon, many small houses were got up. W. Penn himself also had a large mansion house built on his manor of Pennsbury, near the falls of Delaware, at which he sometimes resided—he also, about this time, with the consent of the purchasers under him, divided the province and territories each into three counties—those of the province, were call'd the counties of *Bucks, Philadelphia, and Chester*; and the territories, *Newcastle, Kent, and Sussex*. This being done, and sheriffs, and other officers appointed for

each county he issued writs<sup>b</sup> for the election of members to serve on the council and assembly, conformable to the constitution then in being, and in consequence thereof met the council the *tenth* day of the first month, 1682-3, & the assembly two days afterwards—The members of the council were, captain William Markham, Christopher Taylor, Thomas Holmes, Lacy Cock, William Haige, John Moll, Ralph Withers, John Simcock, Edward Cantwell, William Clayton, William Biles, James Harrison, William Clark, Francis Whitewell, John Richardson and John Hiliard.—The deputies of the freemen chosen for the province, and territories in the respective counties, to constitute the house of representatives, were. For Kent, John Briggs, Simon Irons, Thomas Hassold, John Curtis, Robert Bedwell, William Windsmore, John Brinkloe, Daniel Brown, Benoni Bishop. For Bucks, William Yearly, Samuel Darke, Robert Lucas, Nicholas Walne, John Wood, John Clowes, Thomas Fitzwater, Robert Hall, James Boyden. For Chester, John Hoskins, Robert Wade, George Wood, John Blunston, Dennis Rochford, Thomas Bracy, John Bezer, John Harding, Joseph Phippes. For Philadelphia, John Songhurst, John Hart, Walter King, Andros Binkson, John Moon, Thomas Wynne, speaker, Griffith Jones,

<sup>b</sup> The form of those writs will appear by the follow<sup>g</sup>: for the county of Bucks, from an original.

**L.S.** WILLIAM PENN, proprietary and governor of the province of Pennsylvania, and the territories thereunto belonging.

I do hereby in the Kings name, impower and require thee to summon all the freeholders in the bailiwick, to meet the 20<sup>th</sup> day of the next month at the falls upon Delaware river, and that they then and there elect and chuse out of themselves, twelve persons of most note for wisdom and integrity, to serve as their delegates in the provincial council to be held at Philadelphia the 10<sup>th</sup> day of the 1<sup>st</sup> month next, and that thou there declare to the said freemen that they may all personally appear at an assembly at the place aforesaid, according to the contents of my Charter of liberties, of which thou art to make me a true and faithful return. Given at Philadelphia the — day of the — mo: 1682

WM. PENN.

To Richard Noble, High Sheriff of the county of Bucks, and the other five Sheriffs likewise for their several counties.

William Warner, Swan Swanson. For New-castle, John Cann, John Darby, Valentine Hollingsworth, Gasparus Hermon, John Dehoaef, James Williams, William Guest, Peter Alrick, Hendrick Williams. For Sussex, Luke Watson, Alexander Draper, William Fletcher, Henry Bowman, Alexander Moleston, John Hill, Robert Bracy, John Kipshaven, and Cornelius Verhoof.

Tho' the charter of priveledges required a greater number than were now returned to serve in provincial council and general assembly, yet it was left to be explain'd and confirmed by the governor, his heirs and assigns, and to the freemen of the province and territories, who, thinking it too burthensome to return the full complement prescribed by charter, depended upon the proprietors construction of their choice in a favorable manner, and alledging their reasons as well in the sheriffs returns, as by divers petitions and addresses, why they thought twelve out of each county, sufficient to be of the provincial council and general assembly, & declaring that the number returned for the council and assembly, that is, three for the council and nine for the assembly, out of each county, had in them the power of the whole freemen of the province and territories, and so, capable of serving in those capacities: The governor was accordingly desired that this alteration might not deprive the people of the benefit of their charter, tho' it might seem to be returned to him again, by not being accepted as largely as granted, upon which, the governor answered, that they might amend, alter or add for the public good, and he was ready to settle such foundations, as might be for their happiness, and the good of their posterity, according to the powers vested in him. These preliminaries being settled, the different branches of the legislature proceeded to business, and it being stipulated in the seventh article of the charter, that the governor and provincial council should prepare and propose to the general assembly, all bills, that they should at any time think fit to be passed into laws



consistent with the powers granted by the Kings letters patent (for that must be understood, tho' not always exprest) they accordingly proposed several, such as they thought suitable to the times;<sup>i</sup> some of which were singular enough; some were egreed to, but the principal thing done this session, was the alteration of their charter, it having been some time in agitation. At a council held the twentieth of the first month the speaker and two members of assembly attending with several bills that had been sent to them, the governor and council desired a conference with the whole house, and freemen, abo<sup>t</sup>. the charter, who attending, the question was askd them by the governor, whether they would have the old charter, or a new one, they unanimously desired there might be a new one with such amendments as had already been debated and agreed to, and the governor consenting, made a speech distinguishing to them their duty, and his own willingness to oblige them. The house the next day sent Griffith Jones, and Thomas Fitzwater, with a written message, containing their thankful acknowledgments for his kind speech, and gratefully embracing his offers respecting what they desired might be inserted in their charter, a committee of each house was thereupon appointed to draw up the charter with amendments, those of the council were John Moll for Newcastle county, Francis Whitewell for Kent, William Clark for Sussex, James Harrison for Bucks, William Clayton for Chester, and Thomas Holmes for Philadelphia. The committee of the assembly were James Williams for New-castle,

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<sup>i</sup> As in popular councils everyone is at liberty to make their own proposals for the general good, this is sometimes attended with uncommon ones; no wonder if such are now and then met with among the new legislators here, of this sort perhaps may be reckond those proposals that were now made, that Young Men should be obliged to marry at or before a certain age, and that two sorts of cloaths should be only worn, one for winter, the other for summer. Regulations of this kind might do in a Spartan commonwealth,—we think we are Englishmen. A Law was also sometimes in force here, to prevent cow-calves and ewe-lambs being killed, but as stock increased this dropt.

Benoni Bishop for Kent, Luke Watson for Sussex, Thomas Fitzwater for Bucks, Dennis Rochford for Chester, and Thomas Winne the speaker for Philadelphia county.

Having prepared the charter at a council held the 30<sup>th</sup> of the first month this year, the same was read, signed, sealed and delivered by the governor to the inhabitants, and received by the hands of James Harrison, another member, and the speaker, on behalf of the Assembly & freemen who were ordered to return the old one, with the hearty thanks of the whole house, which accordingly they did.

This frame or charter continued in force till some time after the revolution in England, but tho' formd in some respects upon a generous plan, it was far from complete, particularly in that all laws were still to be prepared, and proposed by the governor and council, and that the number of assemblymen, were to be increased at their pleasure. This, with another that follow'd in 1696 only seemd preparatory to the establishment of that now in being. The charter above-mentioned was the last thing done this session which held two and twenty days. The governor and council, among other regulations, now established a seal for each county, as follows viz. For Philadelphia, an *anchor*, for Bucks, a *tree & vine*, for Chester a *plough*, for Newcastle a *Cassia*, for Kent, *three ears of Indian corn*, for Sussex, a *wheatsheaf*.

The first sheriffs appointed for each county were for Philadelphia, John Test, Chester, Thomas Usher, Bucks, Richard Noble, New-castle, Edmund Cantwell, Kent, Peter Bowcomb, Sussex, John Vines.

The first grand Jury was summoned the second of the third month in this year, upon some persons being accused of uttering counterfeit silver, and the governor and council sat as a court of justice upon the occasion, The names of those impanneled and attested to serve on the grand jury, were Thomas Lloyd foreman, Enoch Flower, Richard Wood, John Harding, John Hill, Edward Louff, James Boyden,

Nicholas Walne, John James, John Vanborson, Robert Hall, Valentine Hollingsworth, Alexander Draper, John Louff, John Wale, Samuel Darke, John Parsons, John Blunstone, Thomas Fitzwater, William Guest, John Curtis, Robert Lucas, Henry Jones, and Caleb Pusey.

The grand jury having found a bill or bills, a petty jury were therefore impannelled, and attested.<sup>k</sup> The convicted one Pickering, another man and a servant his accomplices of coining and stamping silver in the form of Spanish pieces, with the alloy of too much copper in them, upon which Pickering's sentence as principal was, that for this high misdemeanor, whereof his country had found him guilty, he should make full satisfaction in good and current pay to every person that should within the space of one month, bring in any of this false, base & counterfeit coin (which the next day was to be called in by proclamation) according to their respective proportions. And that the money brought in, should be melted into gross before return'd to him, and that he should pay a fine of *forty pounds* towards the building of a court-house, to stand committed till paid, and afterwards find security for his good behaviour.

These and other matters gone through by the council at this meeting, and the attending members dismissed to their places of abode, the governor applied himself to regulating the streets of his favorite city, which being completed by the latter end of the fifth, or begining of the sixth month in this year to general content, he then wrote a letter to the committee of the free society of traders, giving an account of it together with a description of the country and native Indians.<sup>l</sup>

The year 1684 begins with an incursion that happened by a party from Maryland making forcible entry on several

<sup>k</sup> Their names were John Claypoole, foreman, Robt. Turner, Robert Ewer, Andrew Binkson, John Barnes, Joseph Fisher, Dennis Rochford, William Howell, Walter King, Benjamin Whitehead, Thomas Rouse, and David Breintnall.

<sup>l</sup> W. Penns works, Vol. 2, p. 699.



plantations in the lower counties, upon hearing of which the governor and council at Philadelphia sent a copy of W. Penns answer to lord Baltimores demand, with orders to William Welch to use his influence for reinstating the persons turned out, into their possessions again, and if other means would not do, he was ordered to prosecute the invaders legally, but the first measures probably might for that time take effect there being no disturbances of that kind till the next month, when the council received a letter from Samuel Sands, setting forth, that Col: George Talbot, with three musqueteers went to the house of the widow Ogle, Jonas Erskin, and Andrias Tittle, telling them that if they would not forthwith yield obedience to lord Baltimore, and own him to be their proprietor, and pay rent to him, he would turn them out of their houses, and take their land from them. Upon this, the government issued a declaration, shewing Governor Penn's title, and such other matters as were likely to prevent such illegal proceedings for the future.

### CHAPTER III.

A NEW PROPOSAL TO RESTRAIN THE INDIANS FROM INTEMPERATE DRINKING—AN APPOINTMENT TO THE ADMINISTRATION OF GOVERNMENT—COMMISSION OF THE THREE PROVINCIAL JUDGES—WM. PENN RETURNS TO ENGLAND—HIS EPISTLE FROM THE SHIP—REPORT OF THE KING IN COUNCIL RELATING TO THE DISPUTE W<sup>th</sup> LORD BALTIMORE—AN ORDER THEREUPON—LINES BETWEEN THE COUNTIES OF BUCKS, PHILADELPHIA & CHESTER—IMPEACHMENT AND CENSURE OF NICHOLAS MOORE—AN ALARM OF MISCHIEF FROM THE INDIANS—CAPTAIN JOHN BLACKWILL ARRIVES, GOVERNOR—SOME ACCOUNT OF HIM—HIS INSTRUCTIONS.

Governor Penn observing that the Indians notwithstanding the fifteenth law against selling them Rum, would contrive to have it either by the underhand dealing of some of the sellers, or other mean persons among the whites buying it for them, called a company of them together, and proposed to them to let them have it if they would be contented to be punished as the English were, in case of abusing themselves, which they agreed to, as probably on that condition they would to a much greater punishment, without its producing any considerable effect—They were in general, so ungovernable in this respect, that it was next to impossible to prevent it by any human foresight, tho' prudent endeavors seem to have been used, both by advice and other measures to inculcate in them a detestation of a vice, so ruinous to both body and mind, which has evidently destroyed great numbers of them, and yet the few that are left are most of them as incorrigible as ever.

W. Penn continued in these provinces till the sixth month this year, settling and establishing the affairs of his government, and assisting his friends in regulating the business of their religious society, and having signed a commission empowering the provincial council to act in the government in his stead, of which Thomas Lloyd was at that time president, who also had a commission to keep the great seal, Nicholas Moore, William Welch, William Wood,

Robert Turner and John Eckley had a commission to be the provincial judges for two years, Thomas Lloyd, James Claypoole, and Robert Turner, were impowred to sign patents and grant warrants for lands, and William Clark had a general commission to be a justice of the peace throughout the province and territories, other justices being appointed, and all things now settled in a thriving and prosperous condition, the proprietor set sail for England, and soon after being no less solicitous for the spiritual good than for the temporal advantages of his bretheren, he wrote and sent the following Epistle [here take in the paper N. 1] \*

The commission to the five provincial judges, was in the following words.

“William Penn, Proprietary and governor of the province of Pennsylvania, and territories thereunto belonging—  
To my trusty and loving friends Nicholas Moore, William Welch, William Wood, Robert Turner, and John Eckley, greeting

“Reposing special confidence in your justice, wisdom and integrity, I do, by virtue of the Kings authority derived unto me, constitute you provincial judges for the province and territories, and any legal number of you a provincial court of judicature both fixt and circular as is by law directed, giving you and every of you full power to act therein, according to the same, strictly charging you, and every of you to do justice to all, and of all degrees, without delay, fear, or reward, and I do hereby require all persons within the province and territories aforesaid, to give you due obedience, and respect belonging to your station in the discharge of your duties: This commission to be of force during two years, ensuing the date hereof, you and every of you behaving yourselves well therein, & acting according to the same.

“Given at Philadelphia the 4<sup>th</sup> of the 6<sup>th</sup> month, 1684, being the thirty sixth year of the Kings reign, and the fourth of my government. “WILL<sup>m</sup> PENN.”

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\* Paper missing.—Ed.



The proprietor very probably would have staid a considerable time longer in Pennsylvania, but it was a critical time with his affairs in England, particularly in the settlement of the boundaries between lord Baltimores claim and the lower counties, whose agent had in the year 1683, petitioned king Charles the second that no fresh grant of the land in the territories of Pennsylvania, might pass in favor of William Penn, till he was heard, on his pretension of right thereto, w<sup>ch</sup> petition was refered to the lords-committee, for trade and plantations, who after many attendances and divers hearings of both parties by their council for more than two years past made their report to king James, (for he was then upon the throne)<sup>m</sup> who there-upon made order of council to the effect following—

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<sup>m</sup> King Charles the second died the begining of the month called *february* 1684. W. Penn speaks of his death and of his successor among other things in the words following (taken from an original letter to Thomas Lloyd dated *London 16<sup>th</sup> 1<sup>mo</sup> 8<sup>th</sup>*)

The King is dead, and the duke succeeds peaceibly—he was well on the first day night, being the first of february (so called) but about eight next morning, as he sat down to shave, his head twitched both ways or sides and gave a shriek and fell as dead and so remained some hours, they opportunely blooded and cupt him, and plied his head with red hot frying pans, he returned, and continued 'till sixth day noon, but mostly in great tortures, he seemed very penitent, asking pardon of all, and the poorest subject he had wronged, prayed for pardon, and to be delivered out of the World; the duke appearing mighty humble and sorrowful, twas a loss with his gain, he was an able man for a divided and troubled kingdom—the present king was proclaimed about three o'clock that day, a proclamation followed with the kings speech to maintain the church and state as established, to keep property and use clemency. Tonage, and poundage with the excise are revived *de bene esse* till the parliament meet,—one is now chusing—the people of Westminster just gone by to chuse—it sits 19<sup>th</sup> 3<sup>mo</sup> next. In Scotland one next month—severities continue still, but some ease to *us* faintly promised.—Be careful that no indecent speeches pass against the government, for the king going with his queen publicly to mass in Whitehall, gives occasion.—He declared he conceald himself to obey his brother, and that now he would be above-board, which we like the better on many accounts—I was with him and told him so—but withal hoped *we* should come in for a share;—he smiled, and said he desired not that peaceible people should be disturbed for their religion and till his coronation the 23<sup>d</sup> when he and his consort are

At a court, at Whitehall this 13<sup>th</sup> day of November, 1685. Present—the king &c.—the following report from the right honorable, the lords of the committee for trade and foreign plantations, being this day read at the board &c. The substance of said lords report we find, that the said lands intended to be granted by the lord Baltimores patent, was only uncultivated, and inhabited by savages, and that the part then in dispute was inhabited, and planted by christians, at and before the date of the lord Baltimores patent, as it had been ever since, to that time, and continued as a distinct colony from that of Maryland, so that the lords offer'd it as their opinion, that for avoiding further differences, the tract of land lying between the river

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together to be crown'd,—no hopes of release, and, till the parliament, no hopes of any fixt liberty—my business I w<sup>d</sup> hope is better—The late king, the papists will have, died a Roman Catholic, for he refused (after his usual way of evading uneasy things; with unpreparedness first and then weakness) the church of Englands communion. Bishop Ken of Wells prest him, that it w<sup>d</sup> be his comfort, & that of his people to see he died of that religion he had made profession of living, but it would not do;—and once, all but the duke, earl of Bath, and lord Feversham were turned out, and one Huddleston a Romish priest was seen about that time near the chamber.—This is most of our news—the popish lords and gentry go to Whitehall to mass daily, and the Tower (or Royal) chapel is cram'd (by vyeing) with the protestant lords and gentry.—The late kings children, even by the dutchess of Portsmouth go thither—Our king stands more upon his terms than the other with France, and tho' he has not his brothers abilities, he has great discipline and industry.—Alass the world is runing over to you—and great quantities together is to put the sale of Land out of my own hands, after I have spent what I got by my own on the public service for I am £3000 worse in my Estate than at first—I can say it before the Lord & have only the comfort of having approved myself a faithful steward to my understanding & ability; and yet I hope my Children shall receive it in the love of yours when we are gone—'tis a time to show thy skill & friendship to me and which is more to truths interest in me—Blessed are they that are not offended; but have patience & endure, the Lord God of Abraham of Isaac & of Jacob be w<sup>th</sup> you in Council & righteousness & by his presence own you & by his power defend you a vineyard to his Praise who is over all blessed forever—Now Dearly salute me to dear friends in their Meetings and particularly to [here take in paper N. 2] \*

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\* Paper missing.—Ed.

and bay of Delaware, and the eastern sea on the one side, be divided into two equal parts by a line from the latitude of cape Henlopen to the 40<sup>th</sup> degree of north latitude, and that one half thereof lying toward the bay of Delaware and the eastern sea, be adjudged to belong to his majesty, and that the other half remain to the lord Baltimore, as comprized in his charter.

Upon this report it was ordered by the king in council that the said land should be forthwith divided according to this determination, but that not being done many years after, Queen Ann was twice petitioned for a further hearing, which was at length obtained, but the Queen after a full, hearing ratified and confirmed the first order of council of 1685 in all its parts, and ordered it to be put in execution, without further delay.

At a council held at Philadelphia, the first of the second month 1685, present Thomas Holmes, president, and nine others—The line of separation between the counties of Philadelphia, and Bucks, and Philadelphia and Chester, were now confirmed according to the proprietors intentions signified to some of his friends while here, the first was to begin at the river Delaware at Poetquesing creek,<sup>n</sup> and the county of Bucks to be of the east side thereof, together with the townships of Southampton and Warminster, and thence backwards.—The county of Chester was to begin at the mouth or entrance of Bough-creek, upon Delaware river, being the upper end of Tenecum island, and so up that creek dividing the said island from the land of Andrew Boone and company, from thence along the several courses thereof to a large creek, called mill-creek, from thence up the several courses of the said creek to a West south west line, which line divides the liberty lands of Philadelphia

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<sup>n</sup> Adjoining to this creek, on the lower side is said to be the place first thought of for building the city, but better thoughts or more experience, at last fixed on a place much more convenient, all things considered than that, or any other place on the river.



from several tracts of land belonging to the Welch and other inhabitants, and from thence, *East north east* by a line of mark'd trees, one hundred and twenty perches more or less, from thence, north, northwest by Haverford township, one thousand perches more or less, from thence, east, north-east by the land belonging to John Humphrey, one hundred and ten perches more or less, from thence, north, northwest by the land of John Eckley, eight hundred and eighty perches, more or less, from thence continuing the said course to the bounds of Schuylkil river, which said Schuylkil river afterwards to be the natural bounds.

The line between Bucks and Philadelphia was more particularly set forth in the following Proclamation agreed on at a council, held the eighth of the second month in this year, Thomas Lloyd president.

“By the president and provincial council of the province of Pennsylvania, and territories thereunto belonging. Whereas there is a necessity to ascertain the bounds of the several counties of Pennsylvania, in order to the raising and collecting of taxes, public monies, and otherwise to adjust the limits of the respective sheriffs for the performing of their power and duty, and also, that the people might know unto what county they belong and appertain to answer their duties and places; and whereas the governor in presence of Thomas Janney, and Phineas Pemberton was pleased to say and grant that the bounds of the county of Bucks, and Philadelphia should begin as followeth, viz:

“To begin at the mouth of Poetquesing creek, and Delaware, and so by the said creek and to take in the townships of Southampton and Warminster, in obedience thereto, and confirmation thereof, the president and council, having seriously weighd and considered the same, have, and do hereby agree and order that the bounds between the said counties shall be thus.

“To begin at the mouth of Poetquesing creek, on Delaware river, and to go up thence, along the said creek by

the several courses thereof to a south west & north east line which said line divides the land belonging to Joseph Growden and company from Southampton township, from thence by a line of markd trees, along the said line 120 perches more or less, from thence north west by a line of mark'd trees, which said land in part divided the land belonging to Nicholas Moore, from Southampton and Warminster townships confirming the said line as far as the said county shall extend."

Nicholas Moore one of the provincial judges, being first in commission, took place as prior judge, or in the language of the present times, as *chief justice* of the province, and territories. He seems to have been an active hasty man, of a busy temper, and too unguarded. He had the misfortune to be accused of a variety of mal-practices, which, after some time, the assembly took in hand. He was one of their members, and they impeached him in form by a declaration exhibited to the council on the 15<sup>th</sup> of the 3<sup>d</sup> month, this year, consisting of ten articles, besides saving to themselves the liberty of adding more, and concluded with a request that he might be removed from his great offices and trust, and be made to answer to the crimes and misdemeanors they had pointed out.

The council orderd several of their members to acquaint Moore of the accusations, and to request his appearance the next day, at the seventh hour, which being come, and he not appearing, the articles against him were read a second time, and notice given to the assembly, that they were willing to hear their proofs. The speaker (John White) Abraham Man, Thomas Usher, John Blunstone, William Berry and Samuel Gray were appointed managers for the house on the occasion, who, supporting the charge, the president and council sent a second notice to Moore to appear at the council-chamber on the 19<sup>th</sup>, but he still neglecting, notice was again sent him by a council convened the second of the fourth month following, that *he desist*

*and cease from further acting in any place of authority or judicature till the articles of impeachment exhibited against him by the assembly be tried, or that satisfaction was made to the board.* The 14 of September, James Harrison, James Claypoole, and Arthur Cooke, were nominated by the council to be provincial judges, orders were accordingly given to prepare a commission for them, but Harrison and Cooke, on notice thereof, refusing to serve, and Claypoole being prevented by sickness, the council upon further consideration, in order to answer the expectation of such persons as were concernd in appeals, agreed to receive them, & to sit for the decision of differences themselves on the 24<sup>th</sup>, which was the time appointed for the court to sit, after which, the council at their triennial election,<sup>o</sup> being in part new chosen, proceeded by fresh commissions to appoint the several officers of the government.

1687. William Penn and the other settlers under him, both those that came before and after his own arrival, had so demeaned themselves in all matters relating to the Indians that they were not only their friends upon all occasions, but very familiar at their houses, by which means they had become so naturalized to them, that it very much cut off all occasion of groundless fears and jealousies, which in such a situation, where Indians were numerous, and the strangers comparatively few, must have been natural, and which, notwithstanding this, and all their care, could not be entirely prevented, but, upon one occasion or other, would now and then be breaking out among the more inconsiderate sort, which as stories of this kind naturally gather, report could easily make a frightful one, from but a small beginning.

The inhabitants of Philadelphia and its neighbourhood, in or about the year 1688, were tried with an alarm of this sort, occasiond as it was said, by two Indian women of

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<sup>o</sup> Vid: 2<sup>d</sup>. Article of the charter of 1683.



West Jersey, telling an ancient inhabitant, a Dutchman, near Chester that the Indians were to rise the next fourth day, and cut off all the English—several *friends* upon hearing this report at Chester, recollecting their behaviour towards them, and conscious they had not administered any reasonable occasion of disgust, instead of mixing in the common surprise, endeavored to dissuade others, but it happening that when the mentioned fourth day came, about Ten at night, a messenger arrived at Chester from back in the woods, telling the people that three families at about nine miles distance (which he named) were all cut off by the Indians.

This fresh report came to the ears of a *friend* then at Chester, in the dead of the night, He proposed to two young men in the house that if they would get up the horses, and go with him, he would ride to the houses where it was said the murders were committed, that if true, and they should see any of the Indians, he might treat with them, to know the cause of their so basely breaking the covenant of peace, and if false, they might then be instrumental to quiet the people, and getting ready, away they went unarmed. When they came to the three houses, where the murders were reported to be committed, they found no person there, and yet no sign of murder; the people had received the like alarm, and were gone down in a fright to their fathers at Ridley creek, about a mile off. The more immediate occasion of their flight was, the master of one of the families, being that fourth day at work at some distance from his house, received intelligence there, that the Indians five hundred in number, had actually got together at Naamans creek, in pursuance of their design to kill all the English, and going hastily towards his house, heard his lad cry saying (as he thought) what shall I do, my dame is killed—upon which, he ran off without going home to see how matters stood there, & hastening to acquaint the government at Philadelphia, of what had passed, was the impru-

dent occasion of increasing the alarm; but, being met by somebody of more thought than himself, was stopped before he got to Philadelphia, and persuaded back—the report however, thus fortified soon reached the city, and in such terms, that a messenger was dispatched to Marcus-hook, near the said Naamans-creek to enquire into the truth of it, who quickly returned and confirm'd the report, but with this variation, that it was at Brandewine, where the Indian town was, at which the five hundred Indians were together, and that they having a lame king, had carried him away, with all their women and children, this looked with a *bad* face & amounted to a certainty with many, whose fears had already kept at least equal pace with their imaginations. The president and council were at that time sitting upon other occasions, a *friend* then in town (probably Caleb Pusey, one of the governors council who lived in Chester county) proposed to them, that if they would name five sober men to go to the place where it was reported the Indians were so circumstanced, provided they went without weapons, he would be one of them, which being soon agreed on, they got their horses and set out together, and when arrived, instead of meeting with five hundred warriors, they found the old king quietly lying with his lame foot along on the ground, & his head at ease on a sort of pillow, the women hard at work in the field, and the children playing together. Having dismounted and gone into the *Wigwam*, the king presently asked very mildly, what they all came for, and being told what report the Indian women had raised, he appeared much displeased, and said *they ought to be burnt to death*—The messenger asked him if the Indians had anything against the English—he answered *no*, adding “its true there are fifteen pounds or thereabouts yet behind, of our pay for the land that William Penn bought, but inasmuch as you are still on it, and improving it to your own use, we are not in haste for our pay, but when the English come to settle it, we shall

expect it," which the messengers thinking reasonable, told him they would without doubt be paid, and one of them willing to make use of that occasion, to a religious purpose, told him, that the great God that made the world and all things therein, by consequence made all mankind, and so both Indian and English, and as he made all, his love was extended to all, which was plainly shown by his causing the *Rains* and *Dews* to fall on the ground of both English and Indians alike, that it might bring forth what the Indian, as well as the English sowed or planted therein for the sustenance of life, and also causing the sun to shine on all, both Indians and English to nourish them, and that seeing the great Being that made them all, extended his love to all, they were mutually bound to love one another." The king answered, that what they said was true, "and, (added he) as God has given you corn, I would advise you to get it in (it was then harvest time) for we intend no hurt to you." They parted amicably, and the messengers returning put an end to the peoples fears.

Thomas Lloyd had hitherto, for the space of near six years past, as president of the council, governd the province of Pennsylvania, excepting two short intermissions, wherein Thomas Holmes and William Clark had at different times supplied his place in his absence, but now in the tenth month of this year, arrived Capt<sup>n</sup> John Blackwell with a commission from William Penn to be his lieutenant governor,<sup>p</sup> who met the assembly in the third month following, but there being dissensions got in, between him and

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<sup>p</sup> Thomas Lloyd, was chosen or appointed to serve as governor by the three upper counties, and William Markham for the three lower counties. The province was for some time governd in this manner—it was at Thomas Lloyds repeated desire that W. Penn, appointed another in his room—Blackwells wife was general Lamberts daughter, she coming to W. Penn soon after he received those applications upon other business, he asked her if she thought her husband (who was then in New England, and for whom W. Penn seems to have conceived an extraordinary opinion) would accept of the government of Pennsylvania, she answered that he would; a commission was thereupon sent to him with the following Instructions.



some of the Council, things were not managed to the greatest satisfaction, nor was much of the public business done

**L.S.** Instructions for lieutenant governor Blackwell, or whom else they may concern.

1<sup>st</sup>. That things be transacted in my name, by the style of my patent only viz: *absolute proprietary of Pennsylvania &c.*, if not contrary to the charter and laws of the province, as I suppose not.

2<sup>nd</sup>. That the commissions signed and seal'd by me here shall be sufficient warrants and directions to pass them under the great seal.—

3<sup>d</sup>. To collect the laws that are in being and send them over to me in a stichd book by the very first opportunity, which I have hitherto so often and so much in vain desired.

4<sup>th</sup>. To be careful that speedy as well as thorough and impartial justice be done, and virtue in all cherish'd, and vice in all punish'd—

5<sup>th</sup>. That fines be in proportion both to the fault and ability of the party that so they may be paid.

6<sup>th</sup>. That feuds between persuasions, or nations or counties be suppress and extinguisht, if any be, & if none, that by a good conduct they may be prevented.

7<sup>th</sup>. That the widow, orphan and absent may be particularly regarded in their rights, for their cry will be loudest in all ears but by absent, I mean such as are so of necessity.

8<sup>th</sup>. To countenance the commissioners of propriety where land is unseated, or people are unruly in their settlements, or comply not with reasonable obligations about bounds, banks, timber &c. for tho' we came to a wilderness it was not that we should continue it so.

9<sup>th</sup>. That the sheriffs of their respective counties be charged with the receipt of my rents, fines, &c, as they do in England, and give security to the receiver general for the same.

10<sup>th</sup>. To have a special care that sheriffs, and clerks of the peace impose not upon the people, & that the magistrates live peaceably and soberly, for I would not endure one loose, or litigious person in authority—Let them be men having some fear of God, and hating covetousness, whatever be their persuasions. To employ others is to prophane an ordinance of God.

11<sup>th</sup>. That care be taken of the Roads and highways in the country, that they may be strait and commodious for travellers, for I understand they are turned about by the Planters, which is a mischief that must not be endured.

12<sup>th</sup>. Consider by what means or methods the good and prosperity of the plantation, may be promoted, what laws in being are unnecessary or defective, and what are wanting, and in each particular hereof, let me have advice as distinctly and as speedily as may be.

13<sup>th</sup>. Rule the meek, meekly, and those that will not be ruled, rule with authority, and God Almighty prosper all honest and prudent endeavors.

Given at London this 25 day of the 7<sup>th</sup> month 1689.

WM. PENN.

to any great purpose in his administration, which was only till the twelfth month this year, when returning to England, the government of the province according to charter devolved again on the council, Thomas Lloyd president. Wm. Penn at the dismissal of Tho<sup>s</sup> Lloyd on his own application from the Burthen of Governm<sup>t</sup> had wrote to him & the others concernd in the Administration before Blackwell arrivd as follows [here take in the paper N. 4] \*

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\* Paper missing.—Ed.

## CHAPTER IV.

W. PENN DEPRIVED OF HIS GOVERNMENT, A NEW GOVERNOR APPOINTED BY THE CROWN; THE PUBLIC PROCEEDINGS DURING THIS ADMINISTRATION.—

William Penn, since his return to England had been frequently upon one occasion or other at court, in the latter end of king James the seconds reign, who having loved the father, indulged the same affection for the son, but his reign drew to a period, for the prince of Orange on the 5 of November 1688, landing at Torbay in Devonshire, to the great joy of the English nation then greatly dissatisfied with the late endeavors to introduce popery “many of king James’s officers and troops soon joined the Prince—the king perceiving the people alienated from him, withdrew to France, by a national convention called shortly after the prince of Orange, and the princess Mary his spouse, king James’s daughter, were declared king and queen of England &c.—they were proclaimed on the 13<sup>th</sup> of the month call’d February 1688–9.—upon this turn of times, W. Penns late friendship at court made him suspected of disaffection to the present government, so that on the 10<sup>th</sup> of December 1688 walking in Whitehall, he was sent for by the lords of the council then sitting, and tho’ nothing appeard against him, and himself assured them that *he had done nothing but what he could answer before God and all the princes in the world, that he loved his country and the protestant religion above his life, and never acted against either, that all he ever aimed at in his public endeavors, was no other than what the prince himself had declared for, that king James was always his friend, and his fathers friend, and in gratitude he was the kings, and did ever as much as in him lay, influence him to his true interest,* notwithstanding, they obliged him to give sureties for his appearance the first day of the next term, which he did, and then was continued on the same security



to Easter term following, on the last day of which, nothing having been laid to his charge, he was cleared in open court.

In the year 1690 he was again brought before the lords of the council, upon an accusation of holding correspondence with the late king James, and they requiring sureties for his appearance, he appeal'd to king William himself, who, after a conference of near two hours, inclined to acquit him, but to please some of the council he was held upon bail for a while, and in trinity term the same year, was again discharged.

He was yet attacked a third time, and his name inserted in a proclamation, dated July 18<sup>th</sup> this year (1690) wherein he, with divers lords and others to the number of eighteen, were charged with adhearing to the kingdoms enemies, but proof failing respecting him, he was again cleared by order of the Kings bench court, at Westminster on the last day of Michaelmas term 1690.

Being now again at liberty he proposed to go over a second time to Pennsylvania, and published proposals in print for another settlement there—he had so far prepared for his transportation, that an order for a convoy was granted him by the secretary of state, when his voyage was prevented by a fresh accusation against him, back'd with the oath of one William Fuller, a wretch afterw<sup>ds</sup> by Parliament declared a *cheat* and *imposter*, and a warrant was thereupon granted for his apprehension, which he narrowly escaped at his return from George Fox's burial on the 16<sup>th</sup> of the month called January 1690.<sup>a</sup>

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<sup>a</sup> William Penn in a letter dated *England* 14<sup>th</sup> 4 mo:—91. writes on this subject, George Fox's death, and other matters as followeth.

"DEAR FRIEND,

"My love in the unchangeable truth salutes thee and thine, and the friends and family of God in those parts, desiring your temporal & everlasting well-fare with an unfeigned affection.

"By this time thou wilt have heard of the renewal of my troubles, the only lett of my return, being in the midst of my preparations with a great company of adventurers, when they fell upon me—The jealousies of some, and unwor-

He had hitherto defended himself before the king and council, but now thought it rather advisable to retire for a time, than hazard the sacrificing his innocence to the oaths

thy dealing of others have made way for them but under and over it all, the antient rock has been my shelter and comfort, and I hope yet to see your faces with our ancient satisfaction—the Lord grant, if it be for his glory, whose I desire to be in all conditions; for this world passeth away and the form and beauty of it fadeth, but there are ternal habitations for the faithful, among whom I pray that my lot may be, rather than among the princes of the earth—I hope I need not urge my circumstances to excite thy love, care and concern for me and my suffering interest in that country. I know thou hast better learned Christ and Cato, if I may so say, and will embrace such an opportunity to choose to express thy friendship and sincerity, nor is uncertainty and changeableness thy fault, wherefore I will say no more, but desire that my afflictions may ease if not cure your animosities, or discontents within yourselves if yet they have continued, and that thou wilt both in government, and to my commissioners of property, yield thy assistance all thou canst—By all this, God may prepare me to be fitter for future service, even to you there—I ask the people forgiveness for my long stay, but when I consider how much it has been my loss, it is punishment enough—it has been £20,000 to my damage in the country, and above £10,000 here, and to the province 500 families, but the wise God that can do what he pleaseth, as well as see what is in mans heart is able to requite it all, and I am persuaded all shall yet work together for good in this very thing, if we can overlook all that stands in the way of our view, Godward in public matters, see that all be done prudently and humbly and keep down irreverence, and looseness, and cherish industry and sobriety, the Lord God Almighty be with you and amongst you to his praise and your peace. Salute me to I: Simcock, R: Tu, A: Co, T: Jan, Ph. Pem, I: Ri, W: Ya, the Welch friends and Plimouth friends, indeed to all of them.—

“Thou hast heard of our great loss of dear John Burnyeat and Robt. Lodge, one in Ireland and t’other in England in about the same week Robt. Barclay, T. Salthouse, and dearly beloved G. Fox since—he died at Henry Gouldneys by Gracious-street meeting-house, where he preached his farewell the first day, and departed the third at night between 9 and 10.—I was with him, he earnestly recommended to me his love to you all and said *William, mind poor friends in America*, he died triumphantly over death, very easily, foresaw his change, he was buried on the sixth day like a general meeting, 2000 people at his burial, friends and others—I was never more public than that day, I felt myself easy, he was got into his Inn before the storm that is coming overtook him, and that night very providentially I escaped the messengers hands:—I shall add only, that friends have had an extraordinary time this general meeting, so that God supplied that invisible loss with glorious presence. R. Davies there, but not thy brother. In sincere love I bid thee, thy wife and family and friends farewell— Thy true Fr<sup>d</sup> W<sup>m</sup> PENN.”

of a profligate villian, and accordingly he appeared but little in public for two or three years.\*

In this time of retirement and upon this accusation, W. Penn was deprived of the government of Pennsylvania and territories, and a commission arrived to Benjamin Fletcher Esq<sup>r</sup>. Governor of New York, to take them under his government, his commission for that purpose follows in these words.

*“William and Mary by the grace of God, king and queen of England, Scotland, France, and Ireland, Defenders of the faith &c*

*“To our trusty and well beloved Benjamin Fletcher Esq<sup>r</sup> our captain general and governor in chief of our province of New York and the territories depending thereon in America, greeting,*

*“Whereas by our commission under our great seal of England bearing date the eighteenth day of March in the fourth year of our reign, we have constituted and appointed you the said Benjamin Fletcher to be our captain general and governor in chief in and over our province of New York, and the dependencies thereon in America; and have thereby granted unto you full power and authority with the advice and consent of our council, as need shall require to summon and call general assemblies of the inhabitants, being freeholders within our said province, according to the usage of the province of New York, and that the persons thereupon duly elected by the major part of the freeholders of the respective counties and places and so returned, and having before their sitting taken the oaths appointed by act of parliament to be taken, instead of the oaths of allegiance and supremacy, and subscribed the test, and without taking and subscribing whereof, none shall be capable of sitting tho’ elected, shall be called and held the general assembly of that our said province, and have thereby*

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\* W. Penns works, Vol: I. p. 139, 140



granted unto you the said Benjamin Fletcher, by and with the consent of our said council and assembly, or the major part of them, full power and authority to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said province & of the people and inhabitants thereof, which said laws, statutes and ordinances, are to be as near may be agreeable to the laws and statutes of this our kingdom of England, provided that all such laws, statutes and ordinances, be within three months or sooner after the making thereof, transmitted unto us under our seal of New York, for our approbation or disallowance of the same, and in case any or all of them, not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our heirs and successors under our or their Sign manual, or signet, or by order of our or their privy council unto you the said Benjamin Fletcher or to the commander in chief of our province of New York for the time being, then such, and so many of them, as shall be so disallowed and not approved, shall from thenceforth cease determine and become utterly void and of none effect: And to the end that nothing may be passed or done by our said council or assembly to the prejudice of us, our heirs and successors, we have hereby willed and ordained that you the said Benjamin Fletcher shall have and enjoy one negative voice, in the making and passing of all laws, statutes and ordinances as aforesaid and that you shall and may likewise from time to time, as you shall judge it necessary, adjourn, prorogue and dissolve all general assemblies as afores<sup>d</sup>.

“ We therefore reposing especial trust & confidence in the prudence, courage and loyalty of you the said Benjamin Fletcher to be our Captain, general and governor in chief, in and over our province of Pennsylvania, and in the country of New Castle and all the tracts of land depending thereon in America; And we do accordingly by these presents com-

mand and require you to take the said province and country under your government, and for the better ordering, governing and ruling our said province and country, and the tracts and territories depending thereon, we do hereby give and grant unto you the said B. Fletcher, all and every the like powers and authorities as in our said commission, bearing date the eighteenth day of March in the fourth year of our reign, are given, granted and appointed you, for the ruling and governing our province of New York to be exercised in like manner by you the said Benjamin Fletcher in, and over our said province of Pennsylvania and the country of New Castle, and the territories and tracts of land depending thereon in America.

“Examined and compared with the original letters patent  
“PATRICK ROBINSON, secretary.”

Governor Fletcher upon receiving this commission repaired to his new government but first notified his coming, by the following letter directed :

“To the hon<sup>ble</sup> Thomas Lloyd Esq<sup>r</sup> deputy governor of  
Pennsylvania

“Sir,

“Having received their majesties commission under their great seal, for the government of Pennsylvania, and being required to make a speedy repair to that province, I think fit to acquaint you, that I propose to begin my journey from home on Monday the 24<sup>th</sup> instant, and desire the council and principal freeholders may have notice that their majesties commands may be communicated to them so soon as I arrive, which I hope may be the 29<sup>th</sup>.

“I am sir, your very loving friend

“BEN FLETCHER.”

“New York,

“April 19<sup>th</sup>, 1693.”

Col. Fletcher took with him a splendid retinue, and arrived in such pomp and gaiety as had not been known in Pennsylvania before, soon after which he called an assembly, which met in the spring 1693.

Before this assembly was called, disputes arising between the council & governor, about the mode of electing and convening them, occasioned the following address from the members of the council deliver'd the 29<sup>th</sup> of the month called April.

“To Benjamin Fletcher, captain, general and governor in chief &c.

“The humble address of the freemen of the province of Pennsylvania presented by their delegates, members of the provincial council,

“Sheweth

“That whereas the late king Charles the second, in the thirty third year of his reign, by letters patent under the great seal of England, did for the consideration therein mentiond grant unto William Penn, and his assigns, this colony or tract of land thereby erecting the same into a Province, calling it Pennsylvania, and constituting the said William Penn, absolute proprietary of the said province, saving (amongst other things) the sovereignty thereof, with power also by virtue of the said royal charter to the said William Penn, his deputies and lieutenants to make laws with the advice and assent of the freemen of the said province or the greatest part of them, or of their delegates or deputies, whom for the enacting of the said laws when, and as often as need required, he the said William Penn should assemble in such sort as to him should seem best, with divers other great powers, immunities and priveleges in the same charter contain'd, relation being thereunto had, may more at large appear.

“By virtue and in pursuance whereof the said proprietary William Penn with the advice and consent of the freemen of his province in general assembly met at Philad<sup>a</sup>, (in 83)



did enact that the time for the meeting of the freemen to chuse their deputies, to represent them in provincial council and general assembly should be on the tenth day of the fifth month, yearly, and the members so chosen for provincial council (consisting of three persons out of each county should give their attendance within twenty days after election in order to propose bills, and the members of assembly being six out of each county, should meet on the 10<sup>th</sup> day of the third month called May, yearly in order to pass those proposed bills into laws, but in case any of the said members should either be of ill fame or wilfully absent from their service, or happen to die it is provided by another law (made in 84) that it should be lawful for the proprietary and governor, within ten days after knowledge of the same to issue out a writ to the sheriff of the county for w<sup>ch</sup> the party was chosen, immediately to summon the freemen to elect another member &c.

“Now for as much as the present emergency of affairs in this province may require a general assembly to be speedily called, and since we conceive it hath pleased the king and queen so far to countenance our laws and constitutions as to direct the present governancy to rule thereby, until other laws be duly made to alter or amend the same.

“We therefore earnestly desire that no other measures be taken for electing or convening our legislative power than our recited laws and constitutions of this government, prescribe, the rather for that the said late king did by his letters patent, enjoin, require and command, that the laws made as aforesaid should be most absolute and available in law, and that all the liege people and subjects of the said late king, his *Heirs* and successors should observe and keep the same inviolable in these parts.”

HUGH ROBERTS  
SAMUEL LEWIS  
RICHARD HOUGH

JOSEPH GROWDON  
JOHN BRISTOW  
JOHN DELAVALL  
JOHN SIMCOCK.

The assembly being met, presented their speaker Joseph Growdown to the governor for approbation, who being accepted, the oaths and tests were presented to the whole house in the manner of other governments, under the immediate administration of the crown, but some of the members of assembly, being tender of taking oaths, and refusing to be sworn, they were allowed the benefit of subscribing to the declarations and professions mentioned in the act of parliament for *liberty of conscience*, made in the first year of king William and queen Mary, their being allowed this, the governor told them was *an act of grace and not of right so as to be drawn into precedent for the future*. Whether this was not assuming a power he could not legally claim, need not here be determined; it seems however a fact undoubted that the privileges of government (of which all matters relating to liberty of conscience were the most essential part) had been granted with the soil, and that the province was settled with the expectation and actual purchase of those privileges in the grants from W. Penn to the people, while he had uncontroverted powers from the crown to make those grants, and if so, having once done it, the property must have been so far changed, as it had been granted from him, and therefore tho' his present title to the government might have been questioned, yet that property as far as the settlers had a share in it, those shares not being his, could not be forfeited, tis true, by the grant to Will<sup>m</sup> Penn,—all laws were to be consonant to reason, and not repugnant or contrary (but as near as conveniently might be) agreeable to the laws and statutes and rights of England,\* which general words, by a fair construction must give a privilege to make laws for liberty of conscience in the manner it was done in that government, especially as Penn, being well known to be one of those called Quakers, it must at the time of granting it, have been concluded (as it undoubtedly

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\* *Vide* charter, sect. v:

was) that *that* was the principal priveledge aimed at in the settlement, besides if the act of parliament had not of itself extended to the plantations, the governor had no *right* to extend it, if it did extend of itself, it was no *favor* in him; upon the whole, the assembly probably thought as things were at present circumstanced, it was the most prudent to submit, tho' in opposition to a priveledge they had a right to, and accordingly rather below the justice of their own claims acknowledged the said *act of grace and favor* to proceed from the *justice & kindness of the governor*.



## CHAPTER V.

### THE PUBLIC PROCEEDINGS DURING THE ADMINISTRATION OF GOVERNOR FLETCHER, CONTINUED.

The Assembly having qualified and made a house the governor communicated to them a letter he had in the last year received from the queen, setting forth, that the expence for the preservation and defence of Albany against the French, had become intollerable to the inhabitants there, and as it was a frontier by which the other northern Colonies, were in some measure defended, he thought it reasonable that those colonies should be assisting from time to time to the governor of New York in the maintenance and defence of it during the present war, tho' it does not appear from this letter, that much was expected from Pennsylvania in particular, yet the governor thought proper to renew his messages several times for an answer, thinking perhaps he had a right to expect more from them now than before, he did not however receive much satisfaction as to this point during his administration here, tho' a respectful notice was then taken of it, among the other things of importance.

The first question put by the assembly after their Meeting was, how far the laws of the province and constitution of the government founded on the powers of the kings letters patent to the proprietary W. Penn were in force, upon which they came to the following resolutions.

“Resolved N. C. D. that the laws of this province that were in force and practice before the arrival of this present governor are still in force, and that the assembly have a right humbly to move the governor for a continuation or confirmation thereof—That some persons be appointed as a committee to draw up an humble address to the governor to continue and confirm our s<sup>d</sup> laws.

“That in the address we may give the governor the ut-

most assurance we are capable of, in the present circumstances we are under to answer the queens letter, and the governors desire.

“That the peoples rights be asserted w<sup>th</sup> our humble respect to the king and queens pleasure, and his commission.”

The above mentiond address with the governors reply to it were as followeth.

“To Benjamin Fletcher Esq<sup>r</sup> captain general and governor in chief in and over the province of Pennsylvania, and county of New Castle—the humble address of the freemen of the said *Province* and county sheweth—

“That since it hath pleased the king and queen that the absence of our proprietaries personal attendance in this government should be supplied by thee or thy lieutenant, we the representatives of the freemen of the said province, and territories (with due respect to the powers of thy commission, and hearty acknowledgment of thy good will, care and tenderness towards us) do readily acquiesce with the kings pleasure therein, earnestly beseeching that our procedure in legislation may be according to the usual method and laws of this government founded upon the late kings letters patent, which we humbly concieve to be yet in force, and therefore we desire the same be confirmed unto us as our rights and liberties. And we (with all faithfulness and sincerity) do give what assurance we are capable of in the present circumstances we are under, to answer the queens letter and thy request according to our ability.

“Third month 17<sup>th</sup> 1693”

The governors answer—

“Gentlemen,

“I with the council have considered your address, and am sorry to find your desires grounded upon so great mistakes. The absence of the proprietary is the least cause mentiond

in their majesties letters patent, for their majesties asserting their undoubted right of governing their subjects in this province; there are reasons of greater moment, as the neglects and miscarriages in the late administration, the want of necessary defence against the enemy, and the danger of being lost from the crown.

“The constitution of their majesties government, and that of Mr. Penns, are in a direct opposition one to the other; if you will be tenacious in stickling for this, it is a plain demonstration, use what words you please, that indeed you decline the other.

“I shall readily concur with you in doing anything that may conduce to your safety, prosperity and satisfaction, provided your requests are consistent with the laws of England, their majesties letters patent, and the trust and confidence their majesties have reposed in me.

“Time is very precious to me, I hope you will desist from all unnecessary debates, and fall in earnest upon those matters I have already mentiond, and shall have to recommend to you, and for which you are principally convened.

“By his excellency’s order

“DAVID JAMISON Cl: Council”

This answer being debated in the house, it was put to the question, whether they might safely act in legislation in conjunction w<sup>th</sup> the governor according to the kings letters patent.

And carried in the affirmative N. C. D.

“It was also put to the question, whether this clause shall be added to the last vote, viz: provided that the aforesaid resolve, may not be construed deemed or taken to our prejudice, but we have the benefit of being governd by the laws and constitutions of this government so far as is consistent w<sup>th</sup> the tenor of the kings letters patent to our present governor Fletcher, and that our proceeding therein



is in conformity to the kings pleasure, and not the least apprehension of any forfeiture of our rights in legislation.— Resolved in the affirmative N. C. D.”

This done the following remonstrance in answer to the governors reply to their address, was then agreed on, and sent to the governor.

“To Benjamin Fletcher Esq: Captain, general and governor in chief in and over the province of Pennsylvania, county of New Castle, and tracts of land depending.—

“The remonstrance of the freemen of the said province and county in assembly, most humbly sheweth,

“That having with all dutiful respect, read and considered the governors answer to our address this morning; we, in answer thereunto, with submission say, we conceive that our desires were not grounded on mistakes, in relation to the proprietaries absence.

“But as to the other clause mentioned by the governor of their majesties asserting their undoubted right of governing their subjects in this province &c, we, with all readiness and cheerfulness own accordingly to be the right of the king and queen, whose prosperity and happy reign, we heartily desire, and to the other reasons rendered for the superceding our proprietaries governancy, we apprehend are founded on misinformations, for the courts of justice were open in all counties in this government, and justice duly executed, from the highest crimes of treason and murder, to the determining the lowest differences about property, before the date or arrival of the governors commission; neither do we apprehend that the province was in danger of being lost from the crown, altho’ the government was in the hands of some, whose principles are not for war, and we conceive that the present governancy hath no direct opposition (with respect to the kings government here in general) to our proprietary W. Penn’s, tho’ the exercise of

thy authority at present supercedes that of our said proprietaries, nevertheless we readily own thee for our lawful governor, saving to ourselves & those whom we represent our and their just rights and priveledges.

"The 19<sup>th</sup> of the  
3<sup>d</sup> month 1693"

"JOSEPH GROWDON Speaker."

What reply the governor made, or whether any, does not appear, but the assembly having thus modestly asserted their priveledges, proceeded to pass sundry laws; one for the support of government,<sup>t</sup> & others which were thought necessary to be renewd or repealed for the public good, these last being sent to the governor and council, they detaind them for some time to see what the assembly would do in consequence of the queens letter, this delay occasiond the house to send the following petition to the governor.—

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<sup>t</sup> That for the support of government was as follows.—*Anno regni Gulielmi et Mariæ regis et regin, Angliæ, Scotiæ, Franciæ et Hiberniæ quinto.*

An Act for granting to king William and queen Mary the rate of one penny per pound, upon the clear value of all the real & personal estates, and six shillings per head upon such as are not otherwise rated by this act, to be employed by the governor of this province of Pennsylvania, and territories thereof for the time being towards the support of this government, since it hath pleased the king and queen to take the government of this province and counties into their own hands, and supply the absence of our proprietor by so worthy a person, who gave us such great assurances of his good desires to preserve and confirm us in our rights and liberties.—We the representatives met in general assembly, with the humble submission to the king and queens pleasure therein, & with all dutiful acknowledgments of their care and tender regard to the reasonable laws and constitutions, as well as protection of this government, do humbly present the said king and queen, with the free gift of the rates and assessments herein after mentioned, which we desire they would please to accept of, as a testimony of our dutiful affections towards them, and we do likewise desire that the king and queen would be pleased to give and allow one half thereof to Benjamin Fletcher, captain general, and governor in chief in and over this province and country &c, that it may be so enacted.

Be it therefore enacted by the governor, council, and representatives convened in general assembly, and by the authority of the same, that all and every person and persons within this government, having any personal estates, either in their possession or in the possessions of others in trust for them over

“ To Benjamin Fletcher esq: captain general, and governor in chief in and over the province of Pennsylvania, county of New Castle and tracts of land depending.

“ The humble petition of the freemen of the said province and county in assembly met, sheweth,

“ That they being deeply sensible of the many inconveniences that may attend a misunderstanding between the governor and freemen, do earnestly desire all occasions may be taken away, and with all humility beg the governor would be pleased in tender regard to the trust lodged in the said representatives, to condescend so far as to inform them which of their bills the governor will accept, amend, or reject, that by knowing w<sup>ch</sup> of the said bills are disliked by the governor, the assembly may dispose themselves to acquiesce with the governors pleasure, or endeavor to satisfy the governor and council with the reasonableness of the

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and besides the household goods and implements they use and such sums of money as they really owe or ought to pay, shall yield and pay to the use aforesaid, after the rate of one penny per pound, and to the end that this tax may be laid with as much equality and indifference as may be, upon all lands within this government, and that a due regard may be had to the many tracts of uncultivated and unprofitable lands, which produce rather a charge than profit to the owners thereof, BE IT enacted by the authority aforesaid, that all lands, and other real, as also the personal estates, shall be and are hereby charged for one year only and no longer, with one penny for every pound clear value.

And be it further enacted by the authority aforesaid, that all free men within this province and territories, who have been out of their servitude by the space of six months, and shall not be otherwise rated by this act, nor worth one hundred pounds, shall pay unto the use aforesaid the sum of six shillings per head. Provided always that our chief proprietary, and his late deputies in government shall not be assessed or otherwise chargeable by virtue of this act. Provided also, that no person or persons shall be taxed by this act, who have a great charge of children and become indigent in the world, and are so far in debt that the clear value of their real and personal estate doth not amount to thirty pounds.

And be it further enacted by the authority aforesaid, that for the better assessing, ordering levying and collecting the several sums of money, so to be paid as aforesaid, and for the more effectual putting this act in execution, it shall and may be lawful for all or any two or more of the members of this assembly, within the respective counties for which they serve, to call to their



said bills, which being done will remove all doubts and troubles from our minds upon that occasion, and we shall proceed with cheerfulness to finish this general assembly to the kings honor and general satisfaction of the governor and government."

"Third month 31. 1693"

Notwithstanding the soft and pliant terms of this petition, there was a party in the house who strenuously asserted their undoubted rights, as founded upon their then charter of priveledges, but being the smaller number, all they could do, at length terminated in the following protest.

"PHILADELPHIA fourth mo: 1. 1693.

"We whose names are hereunto subscribed, representatives of the freemen of this province in assembly do declare it is the undoubted right of this house to receive back from

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assistance three of the justices or other substantial freeholders of the respective counties, and within two months after the publication hereof, to meet together at such place or places, within each county as they shall respectively agree upon, in order to assess the rates mentioned in this act, and also to appoint receivers or collectors to receive or gather the same, and after such meeting had, the said assessors shall by warrant from some justice of the peace of the proper county, cause the constables within the said county, to bring in certificates in writing of the names of every person residing within the limits of those places, with w<sup>ch</sup> they shall be charged, and of the substances and values of every of them who are to be rated by this act, which said constables shall be paid or allowed by the collectors three pence per pound for their trouble therein. And the said assessors are hereby enjoined to ascertain and inform themselves by all lawful means they can of the true valuation of the clear estates, both real and personal, within those counties and limits, with which they shall be charged respectively, and being so there of ascertained they are to assess themselves and others for and in respect of the said estates according to the rates aforementioned, having due regard to the ability of the people and to the unprofitable land they hold, and thereupon to appoint such and so many collectors or receivers thereof, as they the said assessors shall think fit within their respective limits, for which service the said assessors shall receive or be allowed six pence per pound out of the said assessment.

And be it further enacted by the authority aforesaid, that the rates, assessments and taxations aforesaid shall be made and ascertained w<sup>th</sup> what expedition may be, so that the moiety or half part thereof, may be levied,

the governor and council all such bills as are sent up for their approbation or amendments; and that it is as necessary to know the amendments and debate the same, as the body of the bills, and that the denial of that right is destructive to the freemen of making laws, and we also declare it is the right of the assembly, that before any bill for supplies be presented for the last sanction of a law, aggrievances ought to be redress'd: Therefore we with protestation (saving our just rights in assembly) do declare that the assent of such of us as were for sending up the bill for the supply this morning, was merely in consideration of the governors speedy departure, but that it should not be drawn into example, or precedent for the future. DAVID LLOYD, SAMUEL RICHARDSON, JAMES FOX, JOHN SIMCOCK, JOHN SWIFT, SAMUEL PRESTON, SAMUEL CARPENTER, JOHN WHITE, GEORGE MARIS, HENRY PAYNTER."

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collected and paid to the receivers respectively on or before the tenth day of the ninth month next, and the other half thereof, on or before the tenth day of the second month in the year 1694 at such places as the said assessors shall appoint, w<sup>ch</sup> said assessments with the names and several values of their respective estates, together also with the real sums levied by this act, shall be returned and fairly certified by the said collectors to the next general assembly, after the same is assessed as aforesaid.

And be it further enacted by the authority aforesaid that if any of the said assessors shall neglect or refuse to make such assessments as by this act is required, or in case the collectors so as aforesaid chosen shall deny, neglect or refuse to collect any sum or sums of money inform aforementioned assess'd, and be convicted thereof shall be fined at the discretion of the justices of the respective county courts.

And be it further enacted by the authority aforesaid, that if any person or persons whatsoever within this government, who shall be assessed or rated any sum or sums of money by virtue of this act to be levied, shall deny refuse or delay to pay the same that then it shall and may be lawful for any such collector by virtue of a warrant under the hand and seal of any justice of the peace for the county where such offender shall reside, who by virtue of this act are required and authorised to grant such warrants to levy the same by distress and sale of such person or persons goods and chattels, returning the overplus if any be, to the owner after the sum assessed or distrained for, with all charges are deducted.

And be it further enacted by the authority aforesaid that the monies or effects gatherd & received by the said collectors within their respective limits

The governor in pursuance of the assemblies petition, complied in sending several bills back, with his objections for amendment, which being agreed to be afterwards passed, and others as at first sent up without any amendments, and the rolls of such of the old laws which the assembly did not think fit to repeal, to prevent any doubt of their being in force, being sent up to him, were signed by him for confirmation; after which he dissolved the assembly by their own advice, and quickly seting out for his government at New York, in some time returned, but did not stay long at a time—he was in Pennsylvania in the fourth month of the next year, when some emergent affairs requiring his attendance at Albany, he left William Markham, his deputy governor in Pennsylvania, with orders to adjourn the Assembly; then appointed to meet, to another time, and meeting them again in the third month 1694 sent the following message:

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by virtue of this act, shall from time to time be duly paid to such treasurer or treasurers as shall be appointed by the governor to receive the same, whose receipts shall be a sufficient discharge unto such collectors, which said collectors for gathering the said particular sums, shall retain in their hands respectively, for every twenty shillings by them paid in as aforesaid; the sum of one shilling as a reward for their pains and service: Provided always that if any person or persons certified assessed or rated for or in respect of any estate, for which by this act he or they is or may be rated, do find him or themselves agrieved with such rating and do within ten days after, complain to any three of the assessors that signed or allowed his or their rate who shall within ten days after such complaint particularly examine the person complaining, or any other person touching the value of the complainants real and personal estate, and thereupon the said assessors shall abate, default, or increase the said assessments according as complaints shall appear to be worth, either by the parties own attest, or proof of others.

And be it further enacted by the authority aforesaid that if any person be sued for anything done in pursuance of this act, such person so sued may plead the general issue, and give this act in special matter in evidence, and if the plaintiff or prosecutor shall be cast, the defendant shall recover treble damages: Provided always that none shall be hereby punished by virtue of this act, for any neglect or miscarriage in the execution thereof, but within one year after such offence: Provided also, And be it further enacted by the authority aforesaid, that the several collectors shall gather & receive the respective sums assessed as aforesaid in current money of this province, or for want thereof, in good merchantable country produce, at the current market price.



“PHILADELPHIA May 23, 1694

“Pennsylvania and New Castle ss.

“Mr. Speaker, and you gentlemen of the assembly—

“I designed to have met you the tenth of the last month here, according to the writts which I directed to issue for calling this assembly, their majesties service required my hasty repair to Albany, upon intimation that the five Indian nations, who have hitherto been faithful to the crown of England, were now debauched to the french interest, and entering into a league with the governor of Canada: This defection appeard to me with so ill an aspect, when I consider'd the consequences of it, not only to New York but to this province, and all the neighbouring colonies, that I thought myself obliged to lay all other business aside, and apply the utmost of my endeavors to prevent so great a mischief. I would willingly have spared myself this journey, if my duty to their majesties, and my affections to you their subjects of this province had not compelled me to it.

“I am therefore come with a true and unfeigned zeal for your safety and prosperity, to lay before you this matter, and in order to your full satisfaction, I have brought with me the papers relating to the conference I had lately with these Indians, by which you may see what they alledge. I must also assure you, that your Indians here will be compelled to join in this fatal confederacy.

“I have lately seen with a heavy heart, four score fine farms all deserted about Albany, after the great expence of the owners in building and improving; which has been occasioned rather by the unkindness of our neighbours who refused us their assistance, than by the force of the *Enemy*—could we have found men to secure our advanced posts, Canessagioena, and the half moon, these farms would have flourished still. I pray God this leprosy may spread no farther, but I much doubt those who have shut their eyes at a distant danger, will find it come to their own doors.

“ I am bound as well in justice as gratitude to acknowledge our neighbours in the Jerseys have done more in the common defence, than all the other adjacent provinces,—they sent us four hundred pounds in silver, sixty odd proper men well armed, who passed upon duty on the frontiers one year, they have now sent up thirty men at their own charge and considered of a way for their maintenance during the war. Gentlemen—I consider your principles; that you will not carry arms, nor levy money to make war, tho’ for your own defence, yet I hope you will not refuse to *feed the hungry and cloath the naked*, my meaning is, to supply those Indian Nations with such necessaries as may influence them to a continuance of their Friendship to these provinces.

“ And now, Gentlemen, if you will consider wherein I may be useful to you, according to the tenor of my commission, in redressing your grievances, if you have any, you shall find one ready to act by the rules of loyalty, with a true regard to liberty and prosperity.”

What return was made to the latter part of the Message does not occur, but in this and the succeeding session in September this year, several laws were passed, which ends the administration of governor Fletcher.

## CHAPTER VI.

WILLIAM PENN RESTORED TO HIS GOVERNMENT—SENDS A COMMISSION TO W<sup>m</sup> MARKHAM, TO BE HIS LIEUTENANT GOVERNOR.—*The Petition of Right* so CALLED, AS AGREED ON BY THE ASSEMBLY IN FLETCHER'S ADMINISTRATION.

In the latter end of the last year, Will<sup>m</sup> Penn, through the mediation of his friends, the lords Rochester, Ranelagh & Sidney, in which lord Somers, the duke of Buckingham and Sir John Trenchard were also assisting, was admitted to make his innocency appear, which he did so effectually that he was not only readily acquitted of the charge agt<sup>t</sup> him but had his government restored, the three first mentioned lords went to the King the 25 November and represented to him W. Penns case as not only hard, but oppressive; that there was nothing against him but what imposters or those that were fled, or that had since their pardon, refused to verify (and had asked W. Penn pardon for saying what they did) had alledged against him; That they (the lords) had long known W. Penn, some of them 30 years, and had never known him to do an ill thing, but many good offices, and that if it was not for being thought to go abroad in defiance of the government, he would have done it two years ago, that he was therefore willing to wait to go about his business as before with leave that he might be the better respected in the liberty he took to follow it. King William answerd, that W. Penn was his old acquaintance as well as theirs—that he might follow his business as freely as ever, and that he had nothing to say to him; upon which they pressed him to command one of them to declare the same to the secretary of state, Sir John Trenchard, that if he came to him or otherwise he might signify the same to him, which the king readily did, and lord Sidney as Penns greatest——intance\* was to tell the secretary,

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\* Manuscript torn. Probably *acquaintance*.—Ed.



which having accordingly done, the secretary after speaking himself, and having it from king Williams own mouth, appointed Penn a time to meet him at home and then (the 30<sup>th</sup> of November) in company with the marquis of Winchester told him he was as free as ever, adding that as he doubted not his prudence about his quiet living, so he assured him, he should not be molested or injured in any of his affairs, at least while he held that post.

W. Penn being thus at liberty, and again reinstated in his government, soon afterwards sent a commission to William Markham, to be his lieutenant governor of the province of Pennsylvania and territories.

During governor Fletchers administration, the assembly had in modest vindication of their priviledges drew up a paper, which they calld *the petition of right*, and sent, but at what time is not certain,<sup>u</sup> to that governor in the following terms.

[Take it in from the Penns<sup>a</sup> Votes, vol: 1. p: 99 &c.]

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<sup>u</sup> It passed the house the 30<sup>th</sup> of the 3<sup>d</sup> mo. 1693.


## CHAPTER VII.

WILLIAM MARKHAM LIEUTENANT GOVERNOR—COPY OF HIS WRIT TO SUMMON THE ASSEMBLY—REMONSTRANCE FROM THE ASSEMBLY TO HIM—THE THIRD FRAME OF GOVERNMENT—RELIEF FOR THE ALBANY INDIANS—WILLIAM PENN WITH HIS WIFE & FAMILY ARRIVES—HE MEETS THE ASSEMBLY—AGREES WITH THEM UPON A CHARTER—HIS SPEECH TO THEM—THE ASSEMBLYS ADDRESS—GRANTS THE CITY OF PHILAD<sup>a</sup> THEIR CHARTER—HE RETURNS TO ENGLAND—LEAVES THE GOV<sup>t</sup> UNDER CARE OF ANDREW HAMILTON.

1696. William Markham being now lieutenant governor of Pennsylvania, and territories under William Penn, called an assembly to meet him pursuant to law and charter the 26<sup>th</sup> of the 8<sup>th</sup> month 1696,<sup>v</sup> who having chose John Simcock of Chester their speaker, proceeded to observe by message to the governor, that tho' he had convened them by his writs, not so conformable to their charter as they could have desired, yet they had obeyed the same and consider'd what he had laid before them, viz: to answer the late queens letter and the proprietaries promise upon his restoration to the government, on which they told him they were unanimously ready, and willing to perform their duty therein, so far as in them lay if the governor would settle them in their former constitutions, enjoyd before the government was committed to governor Fletchers trust.

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<sup>v</sup> (The form of his writ for that purpose may be seen by the following to the sheriff of Kent.

 William Markham Esq: governor, under William Penn absolute proprietary of the province of Pennsylvania and counties annexed: To Arthur Meston sheriff of the county of Kent, Greeting,

Whereas their sacred majesties William and Mary, by the grace of God, king and queen of England, Scotland, France and Ireland, defenders of the faith &c, did by their letters patent under the great seal of England, bearing date the one and twentieth day of October in the fourth year of their reign, for the reasons therein exprest, find it absolutely necessary to take the government of their said province of Pennsylvania into their own hands, and under their immediate care and protection, and therefore did constitute and appoint Benjamin Fletcher esq. captain general and governor in chief of

Having sent a message to this effect the speaker with the house waited upon the governor by his desire; he delivered a letter to them from their late governor Fletcher, still desiring they might make some law, for the relief of the Indians at Albany; the house thereupon appointed a committee to meet a committee of the council to consider of a way to answer the queens letter mentioned before, and to preserve the peoples priveledges, and accordingly meeting together the expedient they fell upon, as reported to the house was thus.

“At a committee the thirty first of the eighth month 1696.

The matter committed to consideration being what may be the best expedient to answer the queens letter with this proviso, that the governor at the request of the assembly will be pleased to pass an act with a salvo to the proprietary and people, and that he will also issue out his writs for chusing a full number of representatives on the tenth day of the first month next to serve in provincial council and

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their majesties province of New York, to be captain general in and over their said majesties province of Pennsylvania, and the counties of New Castle and all the tracts of land depending thereon in America, thereby commanding and requiring him the said Benjamin Fletcher to take the said province of Pennsylvania and country under his government who accordingly took the same under his government by publication of the said letters patent, in the town of Philadelphia upon the 26<sup>th</sup> of April 1693, and whereas their sacred majesties have since been most graciously pleased by their letters patent under the great seal of England, bearing date the 20<sup>th</sup> day of August in the sixth year of their reign, for the reasons therein exprest, To restore the said William Penn, proprietary of the said province of Pennsylvania, and territories unto the administration of the government thereof, and whereas the said W<sup>m</sup> Penn has been pleased by his commission under his hand and seal of the said province, bearing date the 24<sup>th</sup> day of the 9<sup>th</sup> month 1694 to constitute me governor under him of the said province of Pennsylvania, and counties annexed, strictly charging and commanding me to govern according to the known laws, and usages thereof. I Therefore by virtue of the said power and authority derived unto me command you, that forthwith you summons all the freemen of your said county to meet upon the tenth day of April at the usual place of meeting, then and there according to law, & charter; to chuse three persons to serve in provincial council, one for three years, one for two years, and one other for one year, and six persons to serve as members



assembly according to charter untill the proprietaries pleasure be known therein, and that if the proprietary shall disapprove the same, that then this act shall be void and no ways prejudicial to him nor the people in relation to the validity or invalidity of the said charter."

This was approved by the assembly N. C. D.—two bills were prepared for the purposes mentioned, one for settling the government, the other for answering the queens letter and support of government. In the last of these, provision was made for raising three hundred pounds for relieving the distressed Indians inhabiting above Albany in answer to the queens letter, but there being immediate occasion for remitting the same to col: Fletcher at New York to supply the present necessity, the money was borrowed 'till it could be raised by the act, and applied to the use intended, as we shall see presently.

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of assembly, and upon the election of members of council to acquaint them to attend me on the 20<sup>th</sup> day of April next at Philadelphia to form a provincial council to advise with me in matters relating to the government, whereof they are not to fail, and make return of the names of the said freemen so to be chosen, and of this writ into the secretarys office for the said province and territories, at and before the said 20<sup>th</sup> day of April next:—hereof fail not at your peril, and for your so doing, this shall be your sufficient warrant. Given under my hand and seal of the province this 26<sup>th</sup> day of May *Annog. R: Ret R & Gulielmi et Mariæ cum angleis C<sup>ri</sup> septime* in the 14<sup>th</sup> year of the Proprietaries government, *Annog: Dom: 1695* W<sup>m</sup> MARKHAM.

Governor Markham first met an assembly after the government was restored to W. Penn the 10<sup>th</sup> of the month calld April 1696—their proceedings will appear by the following remonstrance.—

"To William Markham governor under William Penn, proprietor of the province of Pennsylvania, and territories thereunto belonging—

"The remonstrance of the freemen of the said province and territories, convened in assembly by virtue of the governors writs at Philadelphia the 26<sup>th</sup> of October in the eightth year of king Williams reign over England &c, *Annog: Dom: 1696*,  
Humbly sheweth,

"That whereas the late king Charles the second by his royal charter made in the 33<sup>d</sup> year of his reign, under the great seal of England was pleased to signify that William Penn (out of commendable desire to enlarge the English

The first of these bills being finished, & with four others passed by Markham, it thence became the third frame of government, and being afterwards enforced by some other laws continued until the year 1701.\*

1697. Governor Fletcher of New York notwithstanding the supplies sent from Pennsylvania for the Albany Indians still continued to press for more, and in a letter of this year to Markham, tells him that the three hundred pounds sent last year was expended in contingences to feed and cloath the Indians as was desired, and requested further assistance, the committee of the council and assembly which met upon that occasion, made the following report which concludes that matter.

“At a committee consisting of several members of council and assembly appointed to consider of governor Fletchers demands of a further assistance to the government of New York the twelfth day of the third month 1697.

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empire, and promote such useful commodities as might be of benefit to the king and his dominions, as also to induce the savage nations by gentle and just manners, civil society and christian religion) had humbly sought leave to transport an ample colony into this country, wherefore the said king, favoring the petition and good purpose of the said William Penn did in and by the said charter for him, his heirs and successors, give and grant unto the said W. Penn, his heirs and assigns, all this said country and tract of land calld Pennsylvania, and constituted him the said W. Penn, absolute proprietor thereof vesting him, and such as were to be adventuring with him, the settlers and inhabitants of the said province, with divers powers, priveledges, and immunities, under the reservations, proviso's and restrictions in the said charter specified, charging all officers &c, to be at all times aiding and assisting to the said W. Penn, and unto the said inhabitants and merchants of the said province in the full use and fruition of the benefits of the said charter.

“In pursuance whereof the said W. Penn and divers substantial persons who first embarkd with him in that so commendable a design did soon afterwards by the advice of learned council, conclude upon a certain frame of government, consistent with the powers of the said patent, but suitable with the religious persuasion of the major part of the undertakers, and well accomodated to all. This model together with the franchises and immunities expressly granted by the aforesaid letters patent to the people, did induce them to conceive (and we hope upon just ground too) that since the king had been so

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\* Appendix to Pennsylv<sup>a</sup> votes p. viii.

“Having read his letter dated May the 4<sup>th</sup> 1697 and weightily considerd the same, we can do no less than acknowledge his, and that governments regard and candor to us, in applying the three hundred pounds, which he pleases to mention sent from this government, as intended, viz: to feed and cloath the distressed Indians, only this we would desire, he might be given further to understand that the said three hundred pounds was about six months ago, borrowed at Interest upon the credit of an act of the last assembly for raising the same and is not yet repaid, wherefore considering the infancy and poverty of this government, which also lieth under other considerable debts, we do not find that we are capable at present to raise any more money for that service, which we desire our governor may accordingly, with our readiness to observe the kings further commands according to our religious persuasions and abilities.”

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favorably pleased to incorporate them, and in so great a measure, connected the peoples priveledges with their properties that they could not be any more divested of the one than the other, but by due course of law proved more than ordinary motives to include several hundreds to transport themselves and families into this country out of divers parts, so that this province hath not been at first populated under W. Penns government with transported felons or criminals, but mostly the people called Quakers, men of truth and sobriety, having visible estates and credit in the old world, who with no less desires than freedom to answer the end of the kings grant with respects to propagate the christian religion were made willing to leave their native land, part with their friends and near relations, and remove themselves into this wilderness hoping to enjoy their said priveledges and liberties, more than any prospect they had of worldly advantage or preferment, and when they arrived here, exposed themselves and tender families to great hardships (attending with the hazards and inconveniences of a new plantation) exhausted their own estates, and have not been at all chargable to the crown in so considerable a settlement as is well known, but before they could thoroughly come into a comfortable way of living and put themselves into a capacity to pay either their particular or public debts, this government became (it seems) as the Butt of our neighbours envy, who misrepresenting things at home, did obtain a commission from the king and queen, constituting colonel Fletcher commander in chief over this province and territories, who during his goverance diverted the course of our legislative proceedure, and introduced another method, and continued the same until the said king and queen were favorably pleased by their letters



1699. In the sixth month this year, W. Penn, with his wife and family took shipping for the province of Pennsylvania, but did not arrive till the begining of the tenth month following, being some time before they left the English coast, and after that were near three months at sea. Upon their landing they were received with many marks of respect from all sorts of people, whose joy was the greater in that they had reason to expect they were now come to settle among them.

Soon after his arrival he met the assembly, but it being an unseasonable time as to weather, much business was not done. At their meeting in the third month the next year, they fell upon the new charter, that of 1696 not being satisfactory to many of the inhabitants of the three upper counties, commonly called the province, but the new one was not fully agreed on till the succeeding year, it had been at times under consideration ever since the pro-

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patent to restore the said proprietary to the administration of the government of this province and territories, upon which restoration the power and authority which col. Fletcher had made use of to lay aside our chart'oral rights and priveledges whereby the said patent determined and was made void.

"Wherefore the proprietary thought fit to authorize thee to act according to the known laws and usages of this government, in pursuance whereof, thou wast pleased to issue forth thy writs directed to the respective sheriffs of this province and territories commanding them to summon all the freemen of the respective counties to meet upon the 10<sup>th</sup> day of the month called April 1695 in the usual place of meeting, then and there accord<sup>s</sup> to law and charter to choose three persons in each county to serve in provincial council, one for three years, one for two years and the other for one year, and six persons out of each county to serve as members of assembly. In obedience to which writs, elections were made and a general assembly began to be held here on the tenth day of September 1695, and truly those of us that attended that service were glad when thou so frequently express'd thy readiness to confirm our rights and priveledges, adding that thou would not as much as endeavor to diminish them, which gave further encouragement to the then representatives, who with much alacrity and dutiful acknowledgements of the kings justice and favor in restoring the said proprietary to his rights, did proceed to manifest their affections to the king as well as their readiness to answer his expectations about supporting this government so far as in conscience they could according to their ability and circumstances of affairs, and so agreed to make an assessment of money upon all estates within this province and country for the sup-

prietary's last arrival, and was finished in October 1701 being then accepted by the representatives of the province.<sup>y</sup>

1701. Tho' the representatives from the province or upper counties were contented with this charter, it was entirely rejected by the members from the three lower counties, which had been till this time annexed to the province, under the name of *the territories* so that a breach ensued, which at length terminated in an entire separation—those from the province & the three lower counties having ever since composed assemblies independent of each other, as had been provided by this charter in case of disagreement; of this, more hereafter.

W. Penn had with his family come to Pennsylvania this last time with a full determination to settle there, and accordingly had applied himself to the offices of government, in which the difficulties arising from different claims, dispositions and interests had however afforded him suffi-

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port of government, which together with the £250 sterling theretofore raised and made payable to col: Fletcher toward the support of this government, and not expressly appointed for any other particular use, they the said representatives humbly desired might be deemd and taken instead of the assistance required from this country, the same being in answer to the late queens letter so far as in conscience & abilities they could comply therewith, and so they perfected the bill ready for thy passing, having joined therewith only one bill model'd with thy approbation and corrected according to thy own direction, containing some fundamental liberties, which we look upon to be as much the peoples rights, as the land they hold.—But instead of giving sanction to those bills, thou hast contrary to the tenure of the said writs and against our legislative right and priveledges undertaken to dissolve both council and assembly, which we understand was so surprizing and unexpected to the said representatives that they had neither time to explain your real intentions in what they urged and insisted on nor opportunity to see your minutes our journal perfected: whereby your proceedings might have been more fully and fairly rendered—And we are given to understand and those of us that were concerned in that dissolved assembly, do declare, that where anything has been there voted about proceeding in legislation, without the formality of promulgating bills according to charter, it was chiefly to expediate the passing the money bill to answer the late queens letter in manner aforesaid, and not intending to be brought into example, unless agreed on to be inserted in the other bill

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<sup>y</sup> See the votes, 2<sup>d</sup> part. p: 1.

cient trials of skill & patience. His administration was notwithstanding distinguished by great paternal care and influence, and both province and territories were in the main in an easy and flourishing condition, but some persons in England taking the advantage of his absence were now endeavoring to undermine both his, and other proprietary governments under the spaccious pretence of advancing the prerogative of the crown, and a bill for that purpose was actually brought into the house of lords, on which, such of the owners of land in Pennsylvania, as were then in England presently represented the hardship of their case to parliament, soliciting time for W. Penns return to answer for himself, and accordingly giving him a speedy account how matters stood, they prest his coming over with all speed, with which he found it indispensible to comply. This was the occasion of his first summoning the assembly that agreed to the charter above, and to whom on the 16<sup>th</sup> of September this year, he made the following speech viz:

“You cannot be more concerned than I am, at the frequency of your service in assembly since I am very sensible of the trouble and charge it contracts upon the country, but the motives being considered, and that you must have met of course in the next month, I hope you will not think it vexatious now.

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or new act of settlement. And we also understand that where mention was then made of any difficulty or inconvenience in reassuming the charter, it was but in circumstantial and had respect only to the time of meeting, number of members and such like, not that we then did or now do think that the people had any way forfeited or lost the benefit and priveledges in those branches thereof, which direct that this government according to the powers of the kings patent, and the late duke of Yorks deed of feofment should consist of the proprietary governor and freemen of the said province and territories, and in form of a provincial council and assembly chosen by the people, and that the governor or his deputy should perform no act of state that relates to the justice, trade, treasury, or safety of the province and territories, but by the advice of the said provincial council, and such other fundamental parts of the said charter wherewith we are invested by virtue of the kings letters patent for restoring the proprietor: Now, for as much as thou hast refused to



“The reason that hastens your sessions is the necessity I am under thro’ the endeavors of the enemies of the prosperity of this country, to go for England, where taking the advantage of my absence, some have attempted by false or unreasonable charges to undermine our government, and thereby the true value of our labors and property, government having been our first encouragement.

“I confess I cannot think of such a voyage without great reluctancy of mind, having promised myself the quiet of a wilderness, and that I might stay so long at least with you as to render every body entirely easy and safe, for my heart is among you as well as my body, whatever some people may please to think, and no unkindness or disappointment shall (with submission to Gods providence) ever be able to alter my love to the country, and resolution to return and settle my family and posterity in it, but having reason to believe I can at this time best serve you and myself on that side of the water, neither the rudeness of the season, nor the tender circumstances of my family can, overrule my inclination to undertake it.

“Think therefore since all men are mortal of some suitable expedient and provision for your safety as well in your priveledges as property, and you will find me ready to comply with whatsoever may render us happy by a nearer union of our interests.

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pass the said bill or new act of settlement, and not inclined to the advice of thy assistant in issuing forth writs for chusing members of council and assembly on the last charteral day of election, but used thy endeavors to discourage the people then to elect, and hast now convened us contrary to our former usage, notwithstanding we still hold ourselves concerned to embrace this opportunity, as we are and shall be ready upon all occasions to express our duty and affection to the king for his justice and favors to this government and our well wishes to thyself, desiring thee to take some speedy course to establish us in our just rights and priveledges whereby we may be in a fit posture effectually to answer and observe the kings command relating to this government and the proprietary engagements in that behalf, so far as our religious persuasions can admit.

“Signed by order of the house,

“JOHN SIMCOCKE speaker.”

“Review again your laws, propose new ones that may better your circumstances, and what you do, do it quickly, remembring that the parliament sits the end of next month, and that the sooner I am there, the safer, I hope we shall all be here. I must recommend to your serious thoughts and care, the kings letter to me for the assistance of New York, with three hundred and fifty pounds sterling, as a frontier government, and therefore exposed to a much greater expence in proportion to other colonies, which I called the last assembly to take into their consideration and they were pleased for the reasons then given to refer it to this.

“I am also to tell you the good news of the governor of Yorks happy issue of his conferences with the five nations of Indians, that he hath not only made peace with them for the kings subjects of that colony, but as I had by some letters before desired him, for those of all other governments under the crown of England on the continent of America, as also the nations of Indians within those respective colonies, w<sup>ch</sup> certainly merits our acknowledgments.

“I have done when I have told you that unanimity and dispatch are the life of business, and that I desire and expect if from you for your own sakes, since it may so much contribute to the disappointment of those that too long have fought the ruin of our young country.”

The Assemblys address—

“May it please the proprietary and governor.

“We have this day in assembly read thy speech deliverd in council, and having duly considered the same cannot but be under a deep sense of sorrow for thy purpose of so speedily leaving us, and at the same time taking notice of thy perpetual regard of us, and our posterity. The freeholders of the province and territories annex’d in thy loving and kind expressions of being ready to comply with whatsoever expedient and provision we shall offer, for our safety

as well in priveledges as property and what else may render us happy in a nearer union of our interests, not doubting the performance of what thou hast been pleased so lovingly to promise, do in much humility, and as a token of our gratitude render unto thee, the unfeigned thanks of this house."

"JOSEPH GROWDEN speaker."

In the next month the proprietor took shipping for England; just before he sailed, he left the city of Philadelphia (then encreased to a considerable place) a standing mark of his benevolence, by granting the inhabitants thereof a charter of priveledges.<sup>2</sup>

Wm Penn on his going for England left the province under care of Andrew Hamilton esq<sup>r</sup>: one of the proprietors of east New Jersey, and sometime governor of both east and west Jersey; him he constituted his lieutenant governor. He continued in that station till the twelfth month in the next year, when he died.

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<sup>2</sup> Votes, part 2<sup>d</sup> p. 4.



## CHAPTER VIII.

JOHN EVANS ARRIVES, LIEUTENANT GOVERNOR. WITH THE CAUSE, AND MANNER OF THE PROVINCE, AND TERRITORIES BEING DIVIDED SO AS TO COMPOSE ASSEMBLIES INDEPENDENT ON EACH OTHER.

1704. The Assembly of the province of Pennsylvania and territories, who since the year 1701 had a difference subsisting between them, on account of the new charter of that year seem both to have let it drop, or at least inactive on that subject till October 1703. Since the death of governor Hamilton the council had governed, Edward Shippen president, who met the assembly of the province in the October last mentioned, but the members from the lower counties not joining, no business of consequence was done. In the month called February 1703-4, lieutenant governor John Evans arrived, who met the assembly in the month called April this year and told them that the proprietary having with her majestys royal approbation, thought fit to appoint him lieutenant governor of the same, as well her majesty as the proprietary had been pleased to give him all necessary power, and instructions.

For the full discharge of which it was needless to inform any who were blessed with the priveledges of Englishmen, that nothing was of greater importance than a well regulated legislative power, consisting in the concurrence of those that were invested with the powers of government, and the people whose representatives they now were, the compassing which happy end was one great point of his duty & with Gods assistance it should be his utmost endeavors.

But that he was not a little surprized at his arrival to hear that within the bounds of his commission there had been any tendency to a division in the legislative power happily settled by their constitution in an assembly of the freeholders of the province and territories.

That since the first erecting of this government, he was pleased to hear they all hitherto had been united in one body in their assemblies, and in them had jointly enacted laws, by which they had been peaceably governed and flourished at least equally for the time to any colony in America.

That he should be exceeding sorry it should be his and their misfortune to find they who had gone thus happily on together, should proceed on his arrival among them to break that union, and confirm by act a separation that was the unhappiness of the place to have ever laid any foundation for.

That the queen considered the province and territories as one entire government, and that both the royal approbation and his commission told him he ought to use his utmost endeavors to keep them so. That the public Interest also clearly informd him that they were by that so inseparably united that neither could without great loss and inconvenience suffer a division—that unity and concord were the greatest cement of public happiness, and that it was no small part at this time of the glory of England, that in the legislative powers there the parliament was in harmony and union.

That notwithstanding the steps already made to a separation, he recommended to the members both from the province and territories to deliberate and consult of this important affair, that conferring by themselves and together as there should be occasion they would take the speediest and properest measures to form themselves by an amicable agreement into a condition that might enable them effectually to proceed to the consideration of such matters as the service of her majesty, this government, & their common interest and safety might require, and he might lay before them.

That the different numbers of representatives need not be any obstruction to their business together, being not now immediately to proceed to voting, but to find means to put themselves jointly in a fit condition for it.

The assembly after thanking him for his care and congratulating his arrival replied. As to the seeming division in the legislative powers they were sorry he should have any occasion to make such remarks, and could wish he had been fully informed (before his embarking) under what constitution the proprietary left them.

That they should be heartily glad of a further union with the territories if it could be obtained without prejudice to those they represented, and without a violation of the charter by which they were convened.

That the representatives of the lower counties in former assemblies (they conceived) had been the occasion of inserting that clause in the charter, which provides for their distinct acting in legislation. In pursuance whereof they had been formed an assembly before his arrival which (if amiss) could not be chargeable to his conduct, neither could they yet conceive how to recede from what was done in that behalf, but hoped that if their circumstances should oblige them to act distinctly in legislation, they might yet continue so much candor and good neighborhood to each other as that no inconveniences might thence arise to either of them, at least whilst he had a negative in both. Nevertheless to shew their readiness to receive what might be proposed towards their uniting they had appointed a committee to confer with them (the members of the territories) thereupon, which conference they hoped would have a happy issue.

The members from the lower counties attended in town as was usual for them for some years past when convened by the governors summons, but did not join in a legislative capacity with the members from the province, having hitherto shewn both an aversion to the present charter, and joining together in consequence of it. But now, after many endeavors to reconcile the exceptions they had taken they at length seemd to be for uniting with the province in accepting thereof, but that being refused, the thing was finally set-



tled that they should compose assemblies separately and independent of each other, pursuant to the liberty allowed for that purpose in the charter.

To account intelligibly for this separation, and the reasons on which their exceptions were first grounded, it will be necessary to go back to the year 1701, there had indeed been uneasiness before,<sup>a</sup> and several cases in which their interests, at least the different method of considering their interests, had clashed, and these had occasioned jealousies of each other, but the first instance wherein it publicly broke forth was on occasion of the conference between

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\* A letter from the deputy governor so early as the year 1691:

"John Can, John Brinckloe, George Martin, William Clark, R. Hallowell, John Hill, Albert Jacobs.

"FRIENDS,

"I am sorry of this breach which you have made upon the laws, charter and council proceedings; you have withdrawn your attendance without any just cause; laying aside obstinacy, wilful neglect and self-interest. I cannot conceive what can support you at last but the absurd lenity of the government: recollect yourselves—consider well the confusion to which this your rashness may expose you and many innocent inhabitants of the lower counties, and return unto your duty and representative service here, and we shall lovingly receive you and so dispatch (I hope) in a short time the present emergencies before us: and I do further for your encouragement assure you, and faithfully promise unto you, that the charge of the chair, and support of me under this present commission, shall not press nor burthen you or them whom you represent one penny, unless you jointly and of your voluntary accord, not only offer, but request the acceptance of your benevolence through the method of a general assembly. I have not further at this time but request you to be serious, and if you desire to be apart, let it be done with the same solemnity whereby you were united to us: Your officers duly qualified shall continue until our proprietaries pleasure be further known, and not to be removed without your respective concurrence. I expect to see you soon up with us."

"Council room, } Your abused friend and chairman and, whereas it was  
4<sup>th</sup> 2<sup>d</sup> mo: 1691 } reported by some of you, that myself with others of the  
board did countenance the giving forth of the process of arrest ag<sup>st</sup> W. C.  
and promoted the serving of it. I do solemnly declare that as soon as I knew  
of it, I entirely disowned and expressly forbade the execution of it, after-  
wards upon application for serving G. Martin with a summons, the whole  
board disallowed the plea,—Abuse us not, I do request you, with publishing  
a notorious untruth."

governor Penn, and them jointly, on the bill for confirmation of the laws, and other bills October 10<sup>th</sup> 1701, when the governor speaking to them on the subject, some of his words were said to be misconstrued or misunderstood by the members from the territories, they apprehending his speech was to this effect viz: *that the lower county members should declare the laws made at New Castle binding to them, & the province declare them binding there, and then unanimously declare the act of union void.*

But the other members declared they apprehended the sense of his words was that the laws made at Newcastle were to be first confirmed.

Whether the proprietors words were really misunderstood, or that previous jealousies had occasion'd them to be misrepresented, the effect was as reported in the Province Minutes that the New Castle members, to wit, Jasper Yeats, John Donaldson, Richard Hallowell, Adam Pater-son, W<sup>m</sup> Rodney, John Brinkloe, John Walker, William Morton and Luke Watson jun<sup>r</sup> abruptly left the house, and afterwards gave it for a reason that the proprietor expres'd himself in the manner above. October 15<sup>th</sup> these members came into the house again, & declared they were willing to join the rest of the members, provided they might have liberty to enter their dissent to the bill for confirming of the laws, and that nothing might be carried over their heads by overvoting them, declaring they were willing to do anything for the good and tranquility of the government, and having signified thus much they withdrew, but being called into the house again they were told in answer to the above proposals that they should have liberty to enter their dissent provided they kept to the matter, but for the house to promise not to overvote them, it was a thing so impracticable, and such an infringement of the priveledges of assemblies, that they could not yield to it, but the bill for confirmation of the laws of the province and territories being read, and the reading of that and the other laws three

times over for a better consideration, being proposed, the afores<sup>d</sup> absenting members, departed the house again, not being willing to run the risque of consenting by their presence, and thereby of being bound by a law they did not like.

Their absence gave the governor and others much uneasiness as it seemd likely to terminate in a breach that might be of ill consequence, and the governor sending for the assembly in conference with them endeavored to bring them to an accommodation with the absenting members, and also deliverd a letter directed to the speaker to be communicated to the whole house, which (upon the absenting members coming into the house) was read as follows.

“FRIENDS,

“Your union is what I desire, but your peace and accomodating of one another is what I must expect from you, the reputation of it is something, the reality much more, and I desire you to remember and observe what I say: Yield in circumstancials to preserve essentials; and being safe in one another, you will always be so in esteem with me, make me not sad now I am going to leave you, since it is for you as well as for your friend, and proprietor and governor.

“WILLIAM PENN.”

After hearing this letter, the members from the lower counties declared their negative to the passing a bill for confirmation of the laws passed at New Castle, having as they said never disputed their validity, and for several other reasons given to the governor against that act on which they sat down. The governor to make them easy, having assured the house that nothing further than what lay before them should be offerd to the house from him, nor received by him from them after this, these members sat in the house and joined in the business before them, and the governor gratified them in not passing the bill for confirming the Newcastle laws, which had given them so



much disgust, but the charter of priveledges which he granted upon leaving the province, not being accepted by the members from the territories, not only in that they had dissented at the time of its being received, but in consequence thereof the inhabitants of the lower counties had omitted chusing representatives on the first of october in the succeeding year, to remedy which, governor Hamilton had issued writs founded on the charter, requiring those counties to chuse and send their representatives, who complying therewith met with the members from the province Novem<sup>r</sup> 16<sup>th</sup> but again refused joining in legislation. However the members of the province met pursuant to their charter October 14<sup>th</sup> 1702, and shewing some inclinations to a disunion, governor Hamilton and the council thought it a proceeding at this juncture of the highest consequence,<sup>b</sup> both in relation to the proprietary at home, and the prosperity of trade here, and spent some hours in considering means to divert it.

The representatives from the province notwithstanding, appeared before the governor and council, and desired that such attestations might be administerd to them, as might qualify them for the service, for which they were elected, but they, debating their request, resolved among themselves, that such qualifications were both unusual and improper, till they should be in a condition to enter upon business which in the present unsettled state of things they were not; upon this, a conference was proposed, between the governor and council and the said members, in which the governor began, and told them, they might proceed according to the charter of priveledges, *that is to say*, that the province seperating themselves from the lower counties, seeing they would not meet them, the number of representatives for each county in the province should be advanced to eight, this they seemed well pleased with, he then represented to them the many inconveniences that might ensue to the province by a separation, as that Tobacco being the pro-

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<sup>b</sup> *Vid:* minutes of Council of the year first mentioned.

duct of the territories, and the principal returns in the trade to England, should they be separated and become distinct from the province, that traffic would be so clogg'd and encumber'd, that it would be wholly lost to the province, that it appear'd by the paper they had read, the proprietary's right to the said counties was under dispute in England and that their inhabitants being affected by the provinces raising themselves into a distinct assembly, would in probability remonstrate to the queen, that having hitherto been under the government of Pennsylvania, they were now rejected and thrown off, and so become utterly destitute of all form of government, and therefore would pray the queen to take them into her immediate protection, which would be the readiest means utterly to defeat the proprietary of what he was endeavoring for in relation to them, in England.

That the proprietary had presented to the queen a memorial for her approbation of the lieutenant governor, the result of which (as by his letter he declared) he speedily expected to hear with approbation, because the lower counties are under dispute, & the inclination of the court was now to weaken as much as they could, rather than strengthen; proprietary claims 'twas very probable would come to the governor of Pennsylvania alone, which would complete their desire effectually, and become the act of the queen herself, and the province be exempt from blame, upon all which, Hamilton told them to defer their application for a separation till those matters were brought to some issue, and till they could hear further of them from England.

The governor further added, that seeing the election and sitting of the assembly was to be by charter, which required the first to be on the first of October, and the last on the fourteenth day of the same month, he could not see how an addition could be made to the number as they desired, till the first of Oct<sup>r</sup> should return in course again, to all which some of the chief of the said representatives, replied that the royal grant from the king to the Proprie-

tary was only for the province, bounded twelve miles northward of New-Castle, that it was on that grant or charter only, the several first purchasers of land from the proprietary embarked, and that they expected the priveledges for it accordingly; that they had always hitherto, by being yoked with the lower counties, instead of enjoying the liberties they expected, been so confused, that nothing for the provinces and their real good could ever be advanced: That they had long groaned under the hardship of it, & now an opportunity by the proprietaries grant, being put into their hands to ease themselves of those troubles, they judged they were obliged to make use of it for their own safety and quiet for the future. That delays might at this juncture prove dangerous: *Resolutions* and changes having often so unexpectedly come upon governments, of which even this was once an instance by col: Fletcher; and therefore they requested they might not be defer'd for the increasing the number might properly be done by the governors writs and there would lie no difficulty there.

But the governor still pressing to the said representatives, the unreasonableness of such a rupture upon the several arguments aforesaid, and that there could not possibly be any danger in defering their application for some time, especially till they could find a means to do it more honorably and with less blame from the lower counties, who would complain they were thrown off without notice or warning. The whole was further discoursed, and at length concluded that a free conference between the members of council only, and the said representatives should be appointed and accordingly it was appointed, and held that evening. In which conference the members of council proposed that as the members of the lower counties in the last assembly, when the proprietary granted the said charter, seemd not to regard or accept of it, for which reason, it was most probable they had made no election, and that as some persons of the said counties since the province had elected,



have declared, that had writs been sent to their sheriffs as is usual, they would have elected together with the province, that therefore, to the end it might not appear that the province designedly seperated themselves from the said counties, without any cause given on their sides, they thought it would be highly for the justification of the province (if the seperation was gone into) as well as justice to the said counties, that they might have an appportunity of appearing given them, that measures might be better concerted and that then, should they refuse or neglect to send up members, the province would be clear, and that from hence no manner of inconveniency could be imagined to ensue for so small a time as might be sufficient to issue writs, appoint a time of election, and know their resolutions; these, and such other arguments as were used upon the occasion, seemed to have some weight with the representatives so that they were willing further to deliberate upon what was proposed, and having consulted among themselves, they came to this resolution, that the province and territories having long acted in conjunction, and the charter which impowerd them to act being new, and not yet sufficiently proved, therefore they were of opinion & had resolved that it would be safer to take some further time to deliberate upon it, they therefore requested the governor to adjourn them for a month or the like space, for an opportunity to know the minds of their constitutents, governor Hamilton upon this told them that he approved their request, but desired to know whether it was offerd in compliance with the proposal made to them, that there might be time given for an appportunity of calling the lower counties by writs to act in conjunction with them: they replied, that what upon mature consideration they had concluded on, they had now deliverd and had not agreed to say anything further on that head, and that it was not proper for them to consult or direct what methods were the most advisable for the governor in that case to take, they had only to request that

they might have liberty to defer their sitting for a month longer or as the governor should think fit not much exceeding that time, with which the governor concurring he dismissed them to meet again at Philadelphia the 16<sup>th</sup> of the ninth month ensuing 1702.

The governor thereupon issued writs to the sheriffs of the three lower counties to elect four members for each county on the second of the said ninth month, to meet at Philadelphia the 16<sup>th</sup> day aforesaid. The time being come and the council met, the governor informed them, that such of the members of the lower counties, chosen in pursuance of the said writs as were come to town, had made their appearance before him, and that upon discourse with them, they had given it as their sentiments that they could by no means at this time sit in conjunction with the representatives chosen by the province, the said representatives being chosen by virtue of a charter, but they of the lower counties by writs a considerable time after, to which the governor answered, that this proceeded only from their neglect of electing at the time the province had done in pursuance of the charter of privileges, they replied and insisted, that the said charter was never received by the members of the lower counties, and therefore they thought themselves no ways affected with it, that they not having received it, it could not be expected they would elect in pursuance of what was of no force among them.

These and many other debates passed between the governor and council, and members for the province and territories separately and together at different meetings, between 1702 and the present year, in which nothing conclusive was fell upon relating to the point in hand; but now again, in the latter end of this year, the dispute was drop'd, and the thing finally settled as noted before to the satisfaction of all. The people of the lower counties, and those of the province have since composed assemblies independent of each other, by virtue of the clause in the charter of 1701, which had provided for it in case of disagreement.

## CHAPTER IX.

GOVERNOR EVANS MEETS THE FIRST ASSEMBLY AT NEW CASTLE—HIS PROCLAMATION TO RAISE A MILITIA—CALLS AN ASSEMBLY OF THE PROVINCE—HIS SPEECH—THEIR REPLY—THE CITY OF PHILADELPHIA IN GREAT COMMOTION BY AN ALARM OF THE ENEMY COMING UP THE RIVER—PARTICULARS OF THE FORT AT NEW CASTLE—RICHARD HILL BREAKS THE WAY FOR A FREE NAVIGATION—THE ASSEMBLY ADDRESS *Evans* ON THE SUBJECT.

This assembly adjourned the 14<sup>th</sup> of the 9<sup>th</sup> month aforesaid, soon after which governor Evans met the assembly of the lower counties at New Castle, being the first that had met there in legislation independent of the province, and in the interval published the following proclamation to raise a militia for the purposes therein mentioned.

“By the hon<sup>ble</sup> the lieutenant governor of the province of Pennsylvania, & territories thereunto belonging.

“FORASMUCH as the queens most excellent majesty and the rest of her majesty’s allies are now engaged in a vigorous war against France and Spain, for maintaining and preserving the liberty and ballance of Europe, which as it engages the subjects of the said crowns and states in open hostilities, so it lays her majesty’s subjects in this governm<sup>t</sup> under a necessity of being well armed and disciplined, as well for the honor and service of her majesty, as for the defence and preservation of our religion, lives and liberties, all which her majesty having duly weighed and considered, was graciously pleased to command that due preperations should be made in this government for the defence and security of the same against any attempt that might be made upon it by the enemy during this time of war: Therefore in obedience to her majestys royal command and to the end that the inhabitants of this government may be in a posture of defence and readiness to withstand and repel all acts of hostility that the enemy shall attempt against



them, I do hereby strictly command and require all persons residing in this government, whose persuasion will on any account permit them to take up arms in their own defence, that forthwith they do provide themselves w<sup>th</sup> a good firelock and ammunition in order to enlist themselves in the militia which I now am settling in this government, and every inhabitant thereof are without delay to repair and enlist themselves with the officer or officers commissioned to command in that district, where such inhabitant dwells. And I do further command all persons that they take due notice hereof, and give obedience, and be to their utmost aiding and assisting to the said officers in all things relating to the exercising the power given them in their commissions, as they will answer the contrary at their peril.—Given under my hand, and great seal at Philadelphia the 25<sup>th</sup> day of May, in the 3<sup>d</sup> year of the reign of our sovereign lady Ann, over England &c. Annoq: Dom: 1704.”

J. E.

1705. It would swell this undertaking to an unnecessary bulk to go intelligibly into the particulars of every session of assembly; the province being now grown large, not only made the respective sessions more frequent, but created a necessity that more business should be done. Their proceedings are consequently more voluminous, but yet are now recorded regularly. It cannot therefore be expected but that to keep within a reasonable compass, such only of the more important points as are consistent with the general view intended should be dwelt upon especially as the whole proceedings w<sup>th</sup> regard to the original and present constitution are already ascertained.

It has been before observed, that it was now war time, which whenever it happens, has always hitherto exposed the province of Pennsylvania to many difficulties on account of military preparations; numbers of the inhabitants being principled against war, on that account have struggled through many imputations, and it was now a trying time

in this respect, lieutenant governor Evans was an active young man, of a temper scarcely *indifferent* to anything; whatever he set about, for, or against seems to have been carried with zeal and eagerness, which sometimes drove him to intemperate lengths. To judge from his private conduct, one could not imagine he attended much to many convictions of his own and therefore was not to be supposed a very competent judge of the scruples of others, at least his more unguarded moments demonstrated that to be the case, but it will be necessary first to view him on the subject of war, under the restraints of his political capacity.

Having called the assembly (by summons) to meet him at Philadelphia the 24<sup>th</sup> of the 4<sup>th</sup> mo. 1706, he tells them, the manifest danger with which all those her majesty's colonies in America were at this time threatned, from a powerful & active enemy, had with great reason alarmed every government round them, and put them upon taking the best measures they could find practicable for their defence, and as that province made a part of her majestys dominions, and was peopled with her subjects whose lives and fortunes were of great concernment, he thought himself obliged by the trust reposed in him, as well by the queen as proprietary, to use the same care and endeavors for their safety, that could be used in any other governments, otherwise he should be inexcusable now at a time especially when the ruin of at least two of the English Islands and their inhabitants had taught them, what they had to fear. That since his arrival here he had done all in his power to raise and regulate the militia to the best advantage that the circumstances of the place would bear, but it had manifestly appeared that this without the concurrence of the whole country by a law would not be effectual, besides that some place of security in case of an attack would be of the same necessity here, that it was found in all other towns in her majestys dominions that lay exposed to an enemy.

That to give them opportunity to make suitable provision

was the occasion of their being now called together the matter being of great importance, and that though he was sensible that with them it might carry some difficulties, yet he hoped that upon a close application of their thoughts some measures might be found to render all her majestys subjects here, as safe and easy in point of defence as in the rest of her dominions.

The assembly replied that having taken into their serious consideration the measures proposed, they had to observe that what some of the neighbouring colonies, which were under the immediate direction of the queen, and of long standing of great estates and vast revenues to the crown had found practicable upon emergency, as running their vessels up the rivers as far as they could into the country, might be done here, nevertheless, understanding that in the time of the late false alarm, several of the inhabitants of Philadelphia, when they endeavored to secure some of their goods by sending them up the river, and out into the woods, were threatned to be shot by such as pretended to stand in the defence of the place, this they could not but resent, and earnestly desired the governor to cause them as well as those who brought up that false report from New-Castle, to be brought to condign punishment.

That they had lately raised a considerable sum of money for support of the government and to pay the debts of the province w<sup>ch</sup> by reason of the failure of the crops the last year, and the thin appearance this, together with the decay of trade, losses by sea, and great scarcity of money would certainly be heavy enough for the present upon the people, many of them being poor and in debt, but if it was not so, they were informed that a regular fortification here would cost more than could be possibly raised considering the situation of the town between to navigable rivers, and open to land marches besides, and that they hoped they were not in much danger of the Enemy considering their remoteness from the sea and difficulty of access.



But if a proper situation could be found and a fort built before the country was capable to maintain and keep it, the consequence might prove very prejudicial to the queens interest & hazardous to her subjects, which probably was the prevailing reasons why the queens colonies in Virginia and Maryland, which were far more antient settlements than theirs, had no fortifications that they knew of to this day, therefore they hoped that nothing might prevail to render them more obnoxious to the queen, than their neighbours, and her subjects less secure here than elsewhere.

That they found his speech to contain matter of great weight, which required more time and closer application than their present circumstances could well admit in regard the season of the year required most of them at their harvest, upon which the support of themselves and families depended, and therefore desired to be excused from further attendance at this time, and that the governor would accept of their present answer, and represent them candidly to the queen, whose care over them, as well as the neighbouring colonies, they were deeply sensible of.

Evans very well knew the quakers principles against bearing arms & military preparations, and possibly judging others by himself thought the principle against self defence, however pretended to at a distance, must upon the apprehension of instant danger be a meer chimera, and probably to try if that was not the case, he together with Robert French of New Castle, Thomas Clark an attorney at law of Philadelphia, and other associates fell upon the project of causing the alarm mentiond before. The governor was a man of natural good sense but had much of the rake in his character, and being of this turn, it is not to be wonderd that he should fall into a scheme of this sort. The diversion was something, but the design of trying the tempers of the people seems to be the principal thing aimed at; he and his associates had probably been concerned in industriously propagating the noise of a French invasion for some days

before they caused the alarm, and after peoples minds by daily discoursing of their coming, & frequent preparatory rumors suitable to the occasion, had been sufficiently turned that way.

On the 16<sup>th</sup> of the third month O. S. this year at the Fair time, up came a messenger post haste from New Castle, his horse almost tired, and himself in seeming commotion with a dispatch to the governor from *French*, that several sail of vessels were then actually in the river, and as high up as a place which he named, upon receiving this news the governor soon made it fly through the town, himself mounted his horse, and with a drawn sword in his hand, rode about commanding and praying people of all ranks to be assisting upon this occasion. The suddenness of the news, with the noise and precipitation consequent, upon it, soon made bad work—some were said to throw their plate, and most valuable effects down their wells and little-houses, others to hide them otherwise in the best manner they could, and a great number retired by land and water up the river part loaded with effects, and part without, insomuch that it was said some of the creeks seem'd full of boats, and small craft, while those of a larger size ran as far as Burlington, and some higher up the river, and several women are said to have miscarried by the great frights they were thrown into; but the design was soon seen through by the more considerate part of the inhabitants, even at the begining, and timely endeavors accordingly used to stop it, but the manner of the governors behavior together with the industry of his numerous incendiaries, so baffled their endeavors, that little could be done, till the first transports of amazement & fears had some time to subside.

James Logan was then the secretary, and lodging in the same house with the governor was tho<sup>t</sup> to be privy to the design, tho it was said he declared otherwise, offering to bring the governor out of the scrape as well as he could if he would desist from the enterprize by going down to Glou-

cester point in a boat, and wave a handkerchief if nothing was to be seen, but if anything appeared he would retire immediately and let them know it. Whether this proposal was accepted or not, the effect shewd that he was not help'd out of the scrape, for when once the people in general were undeceived which was not long, first many of those who had been deceived resenting the usage the authors of this contrivance were forced to shift for themselves in the best manner they could;—the scheme upon the whole turn'd out quite different from their expectations, having all the bad consequences they had reason to fear, and very little to those they expected. The principal part of the quakers attended their fifth day meeting as usual, tho' in the midst of the hurry, and through the whole demeaned themselves consistently. It was said but four among them and those not accounted the most exemplary in other respects appear'd upon the *Hill* under arms, that being the place of rendezvous appointed upon this occasion.<sup>e</sup>

1707. Soon after the assembly of the lower counties of Pennsylvania had met in legislation, independent of the province, Evans proposed to them the building a Fort at New Castle, on which they passed a law, or rather an ordinance, for it was done before the constitution of that government was fully settled, entitled *An act for erecting & maintaining a Fort for her majesty's service at the town of New Castle upon Delaware*; This law required that all vessels (except Ships of War) coming from sea, the major part of whose owners not residing on the river or bay of Delaware, should pay half a pound of Powder for every ton such vessel should measure by the carpenters rule, and that if any vessel outward or inward bound should presume or attempt to pass by the said Fort, without leave from the captain or

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<sup>e</sup> It was observed that one of the Almanac writers of those days had happened to put the following lines against the time in which the foregoing affair happend.—

“Wise men wonder, good men grieve,  
Knaves invent, and fools believe.”



commander thereof, it should be lawful for him to fire one or more great guns at such vessel or vessels in order to bring them to anchor, and oblige the master or commander of them to come on shore, and make report as well to the said captain or other commanding officer in the said Fort, as to the kings collector of the customs of the said town, and district of New Castle, and that the said master should pay for the first gun *twenty shillings*, for the second *thirty*, for the third *forty shillings*, and *five pounds* over and above for contempt, in case it went to those lengths.

This law was of itself extraordinary in its nature, considering it as a direct infraction of the priveledges granted by the royal charter to the settlers of Pennsylvania, but was still more so by the manner in which it was put in execution, for the free navigation to the province expressly granted in the charter, and further confirmed by the kings declaration in consequence of it, was not only hinderd and their vessels inward and outward bound cleared according to the acts of navigation in every respect, stopped, to their great damage, and many traders who were bound to the port of Philadelphia, and had no manner of business to stay at New Castle, were forced to pay the said *Powder money* applied towards erecting and maintaining a fort alledged to be no security to the river nor protection to vessels that might happen to be chased or assaulted there, and as it was for some time managed, proved a nuisance to trade and of imminent danger to the traders of those parts, some of them having been threatned to be imprisoned and put in *Irons* tho' able and ready to pay or secure the mulcts imposed by the said pretended law, others were in danger of their lives by their vessels being threatned to be sunk, and threats were not all, for several cannon *Balls* were shot at vessels passing by, notwithstanding the law gave no power to fire ball, nor was there in it any colour for imprisoning, or puting men in irons.

These things much alarmed, and were greatly resented

by the trade in Philadelphia, Richard Hill in particular, who was one of the governors council and a man every way calculated for authority and influence, did not fail to lay the matter home where it belonged, he and the rest saw with concern their priveledges invaded, and that to suffer it to continue, would be of the utmost ill consequence to the trade and prosperity of their country, but failing of success where they had most reason to expect it, some of them determined to break the way for their vessels to pass without submitting to such an intollerable yoke.

Hill at that time had a vessel calld the *Philadelphia*, loaded and just going out, but doubting his captains resolution of going by the fort without being obliged to strike, himself accompanied by Isaac Norris\* and Samuel Preston went down the river in her, just before they came to the fort, they dropped anchor, Norris and Preston went on shore, to inform the officers of the fort, that the vessel was regularly cleared, and were determined to do what they could by persuasion, but all proving to no purpose, Hill taking the command of the sloop, stood at the Helm, and went by without receiving any damage, his captain and men, hiding themselves among the watercasks on the deck, while the fort continued firing, whence the guns were aimed with so much intention and good will to the business that a shot went thro' the mainsail. As soon as they had got by the Fort, John French, the commander put off in a boat man'd and arm'd to bring them to, that way, & coming up along side, Hill orderd a rope to be thrown to them—they fastend the boat and French came on board; the rope was then ordered to be cut, and the boat falling astern, French was conducted a prisoner to the cabbin; seeing himself thus detain'd, he began to plead indisposition of body, Hill askd him, if that was the case what business he had there; lord Cornbury, governor of New Jersey, and as such claiming to

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\* Isaac Norris was in England at the time. It was W<sup>m</sup> Fishbourne who went down with Hill & Preston. [Pencil note on manuscript.—Ed.]

be vice-admiral of the river Delaware, happend at that time to be at Salem, to him the prisoner was forthwith conducted and brought to account, and after being in his rough way, sufficiently reprimanded, upon a suitable submission and promises, was at length dismissed but not without marks of derision from some of the attendants. This put a finishing stroke to the arbitrary proceedings of the fort at New Castle, and thus ended an enterprize, in which Hills friends, particularly his watchful wife,<sup>d</sup> who heard the report of the guns at Philadelphia, and from thence greatly feared that his resolution would have been attended with bad consequences, but she and they were agreeably disappointed, and his going by, opened the way for others;—he did not however let the matter rest here, but accompanied by a large number of the inhabitants of Philadelphia, attended the assembly of Pennsylvania, & by petition laid the affair before them, w<sup>ch</sup> produced the following address, agreed to without a dissenting vote.

“To John Evans Esq. by the queens royal approbation, lieutenant governor of the province of Pennsylvania and of the three lower Counties of New Castle, Kent & Sussex on Delaware river—The humble address of the representatives of the freemen of the said Province, in general assembly met, the 10<sup>th</sup> day of the month call’d May 1707.

“Sheweth;

“That a petition of above two hundred and twenty of the merchants and other inhabitants of the said province, but mostly of the city of Philadelphia having been presented to this house complaining of very great abuses and oppressions which some of the inhabitants of the county of New Castle have committed upon several of these petitioners by colour of a certain ordinance or act of assembly lately passed there by the said lieutenant governor and represen-

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<sup>d</sup> She was the daughter of Thomas Lloyd, and a woman of great value.



tatives of the freemen of the said three lower counties, entitled an act for erecting and maintaining a fort for her majestys service, at the town of New Castle upon Delaware, which act, as also the several affidavits relating to the matters complained of being read we thought proper in the first place to consider the royal charter of the late king Charles the second, to the proprietary, bearing date the fourth day of March in the three and thirtieth year of his reign, whereby the free and undisturbed use and continuance in, and passage unto & out of all the ports, harbors, bays, waters, rivers, isles and inlets belonging unto, or leading to or from this country, with the other powers and liberties mentioned in the said petition are granted to the said Proprietary and inhabitants of this province as the petitioners set forth, and we further observe that by the said charter, the queens liege people of this province are to be subject to no laws but such as are consonant to reason and as near as may be agreeable to the laws statutes and rights of the kingdom of England.

“In the next place we have inspected the late duke of Yorks deeds of feofment to the proprietary for the said three lower counties, as also the late king Charles the seconds grant to the duke for the same lands, and when we call to mind how the representatives of the lower counties broke off and refused to proceed legislatively in conjunction with the representatives of the province, under the proprietaries administration, but how far they can be justified in making laws to raise money upon the queens subjects in this government, we intend shall be further considered hereafter, In the mean time we shall insist that the liberty of the free use & passage to and out of the ports of this province granted us by the above recited royal charter, is well warranted by the laws of England, & that no imposition can by any act or ordinance made at New Castle be laid upon any vessel bound to or from any *Port* in this province, which doth not unload at some *Key* or place

within the said lower counties, and we conceive that upon a strict examination of their said act of assembly, it will most evidently appear that the vessels not bound to or out of some port or place there, cannot legally be obliged to comply with the impositions of the said act.

“Therefore this house having fully and maturely weighed the nature of the said Act, and the use that is and has been made of it, found themselves obliged in duty to the queen and justice to the people they represent to come to the following resolutions N. C. D.

“First, That it is the opinion of this house that tho’ the said act of assembly might be by the governor intended for the queens service, and security of her subjects yet the manner of putting the same in execution, proves an apparent violation of the said royal charter, as well as the common and statute laws of England and is destructive to trade, and tends to the depopulating and ruin of this province.

“Secondly, that it is the opinion of this house that the firing of Shot at the sloop *Philadelphia*, in the several affidavits mention’d, when she was duly cleared at this port of Philadelphia as the acts of navigation direct and had the governors let pass, and upon her voyage to Barbados is not warranted by the said act of assembly, but that those who so fired at the said sloop after they had notice what she was and how she was cleared, ought to be prosecuted as persons committing *Hostilities* against the queens liege people.

“Thirdly that it is the opinion of this house that in case the master of the said sloop had been liable to pay either powder money or other mulcts imposed by the said act, yet the forcing him out of the vessel and imprisoning him, when security was offerd for answering the supposed offence is not warranted by the said act, but is most illegal and arbitrary.

“May it please the governor,

“We having thus presented our opinion of the said act, entreat that thou would use the most effectual methods to put a speedy stop to the said exorbitant practices great abuses and oppressions mentioned in the said petition, (a copy whereof, we herewith lay before thee) and that the authors of those arbitrary actions & oppressions complained of may be prosecuted according to law, and be no longer permitted to abuse the queens authority and stand in open defiance of her royal uncles grant, obstruct our lawful commerce, and invade our liberties, rights and properties, and under pretence of fortifying the river for the service of the queen, commit hostilities and depredations upon her liege people.”



## CHAPTER X.

THE ADMINISTRATION OF GOVERNOR EVANS GROWN EXTREAMLY DISGUSTFUL—THE ASSEMBLY REMONSTRATE AGAINST HIM TO THE PROPRIETARY—EVANS REQUIRES THEM TO LAY IT BEFORE HIM—THEIR REPLY—EVANS'S SPEECH TO THE SUCCEEDING ASSEMBLY, THEIR ANSWER—EVANS SENDS A PAPER TO THE HOUSE BY TWO OF HIS COUNCIL—THEIR RESOLVES UPON IT.

The assembly of Pennsylvania, and many of the people throughout the province, had for several years past been tired of Evans's administration—the heats & levity of his youth, so influenced his private conduct as made it in various respects quite unbecoming the dignity of his station,—midnight frolics were said to be common with him—he is even charged with sometimes descending so far out of character, as to be found raking about the streets and mixing in night brawls and other indecent practices. This sort of conduct is said once to have brought him into a bad situation. Meeting with a loaded cart coming into town, and commanding the carter to turn to let him go by, and he not stirring quickly, he repeated his commands with a raised voice and threats, upon which the blunt carter with a mouthful of ill-language demanded who he was, that being on foot, would make a carriage loaded as that was turn out of the way for him, he replied *I am the governor*. The carter told him he lied, for that the governor was more of a gentleman, & had more *manners* probably meaning *consideration*, than to expect such a thing, and began to use his whip, but being prevented from proceeding he too late discovered his mistake, and then being as ready with his submission as he had been before with his whip, he was obliged to the governor that he let him escape without further notice.

Nor were affronts of this kind all that the governor met with in departing from the proper character of his station—

the substantial part of the inhabitants saw with concern the growing ill effects of his loose conduct and example; some of them spoke of it to him from time to time but to very little purpose, the assembly also had not been wanting as well on this occasion as the public measures of his government, but at length finding nothing else would do but an application to get him removed, they at their sessions last mentiond made a catalogue of his failings and remonstrated them to the proprietary, wherein among other things, they set forth.

That having set up a pretended militia he did by proclamation exempt those that would enlist therein; from watching, warding and serving as constables &c and that altho' it had been discontinued and never musterd since the false alarm in May 1706 yet the exemption was still continued against law, to the great oppression of those that did not so enlist. That the proprietary pursuant to the powers granted him by letters patent, had made certain constitutions and concessions containing divers rights, liberties and priveledges, which he gave the people a very sacred assurance they should enjoy, That in pursuance of the royal grant he also incorporated the city of Philadelphia vesting the mayor and aldermen with the power of conserving the peace and trying larcenies and other small offences punishable by fine or whipping.

That the said lieutenant governor was in duty bound to rule the province according to the true intent of those constitutions and concessions until they were disallowed by the queen, yet had used several ways to elude and render them ineffectual, particularly, that when the assembly in the year 1704 prepared a bill for explaining and confirming the charter of the city, he, displeased at the city magistrates because they would have punished some of his companions for disorders in their night revels, such as beating the constable and watch, refused to pass the bill, commissionating the county justices to determine matters arising within the city, and properly

cognizable by the city magistrates, to the end as they conceived, that he might not only get the fines at his own disposal (which the proprietary had granted towards supporting the government of the said city) but also that the taverns & ale houses (which they call nurseries of disorders and debaucheries) might be multiplied and withal, that his arbitrary designs of raising money upon the queens subjects without law might be better effected, he had imposed two licences a year upon most of the keepers of those houses, the one for Wine, the other for Beer, and exacted eight pounds per annum or upwards from every one that had those two licences, and so proportionable for the rest, whereby he raised great sums of money upon the inhabitants of the province without law or precedent.

That by the charter of priveledges the freemen had a right to chuse an assembly on the first of October yearly forever, which assembly had a right to sit on their own adjournments, prepare bills to be passed into laws, impeach criminals, and redress grievances, and that the freemen had the same right to chuse sheriffs and coroners according to the charter; but that he had taken upon him to reject the peoples choice of sheriff and coroner for the city and county of Philadelphia in the year 1704, and had done the same this year, and had also undertaken to licence several taverns and ale houses in Philadelphia, without the recommendation of the city magistrates, that the assembly in the said year 1704 proposed a bill for explaining and confirming the said charter of priveledges, and for preventing such infringements for the future, which the governor refused, and when that assembly shewed their dislike to his rejecting the peoples choice, and commissionating other persons of his own appointment, he by message undertook to dismiss the assembly against the form and effect of the charter, and established usage of the government, and contrary to his duty and trust to the proprietary and people committed to his care.



That he pass'd a law but the last year, whereby he directly appropriated eight hundred pounds of the land tax, with half the impost and excise, amounting to much more than the tax to his own use, tho' it ought to have been applied as usual under the mode of a gift to the queen, and at the same time secreted the lords of trades objections to their former laws, suffering that assembly to enact and himself to pass divers new ones liable to the same objections, the which being offensive to their superiors might prove very detrimental to the government.

That part of the next returns which he made for the assemblys benevolence, was hatching a project of a false alarm, carried on by him, and two or three of his accomplices to the great damage of both city & province, which besides exposing their nakedness to the French, tho' he knew that there was no real need of ammunition, nor any danger of the French at that time, he forced great quantities of powder and lead to be taken from the inhabitants, and thereby left them destitute if there should be a real occasion. That at the time of the said false alarm he shot at some, and orderd his men to shoot others of the queens subjects for endeavoring to save their goods, which were like to be stolen by a rabble of his own raising who even threatend the peoples lives as well as estates:—that one of the officers of his militia declared that if the French had come, and the queens collector had been there, he would have shot him one of the first: and that several of them swore they would be masters of the quakers brick houses in Philadelphia that day, That when one of the actors was apprehended the governor contrary to law and justice discharged him out of the constables hands saying that what the prisoner had done, was at his command.

That having formed a distinct assembly in and for the three lower counties, who had no power to make laws obliging upon the province; he concurred with them to make a law, whereby he laid another imposition upon the

trade of the province impeding the passage granted by the royal charter to and from the same, and by colour of that law, had exacted great sums of Money from divers of the queens subjects against their wills and endeavored to sink some of the vessels which himself had cleared and knew to be fair traders; and had like to have killd several people on board those and other vessels for refusing to come under that imposition, having caused divers great guns to be fired at them.

That he had without any colour of law exacted twelve shillings from the master of every vessel outward bound for a Let pass, notwithstanding they had their clearance according to the acts of navigation; a heavy tax upon trade to the grievous oppression of the subject.

That although the governor might collect from the attorney generals opinion upon their former laws how it was expected that their constitutions should conform as near as may be to the laws and interest of England, and knew what the opinion of the board of trade was about fines and forfeitures &c, nevertheless he had hitherto refused to concur with the assembly in having the method of convicting clerks of the peace &c for official misbehavior here, as such officers are in England, and in having ale houses licenced by the justices here as they are in England, & ordering the fines and forfeitures to go to the queen for the support of government as also in having the courts of judicature regulated as near an English establishment, as the circumstances of this young colony could admit of.

That the governor on his own authority had granted a commission for privateering,—that he had beat and sent to prison Solomon Cresson, a constable for endeavoring to disperse the company from a lewd tavern at midnight, where he the governor had happend to be, tho unknown to Cresson.

These and several other charges swell the catalogue to a great length, the design being to get him removed, they seem to have been indefatigable in furnishing materials to go to work upon.

The governor understanding what was going forward against him came to town and sent a message to the house informing them, That it was by accident only that he was now in town at the time of their meeting, and not by design, for as they had taken upon them (or endeavor'd at least) to invert the order of government by adjourning themselves at pleasure and then send him notice of the time they thought fit to meet again, as if he was to attend their appointments and not they his, so he must let them know he could take no notice of any such adjournments.

But being informed that the business of their present meeting was chiefly to agree and sign some address or representation to be sent to England, he required them forthwith to lay before him all such addresses or representations as were or should be prepared by them and that they presume not to send any such out of the government untill they had been fully communicated to him, as they of right and justice ought to be, and was practised in other governments, adding, that he desired their answer without delay.

The assembly replied. That although the act for ascertaining the number of members of assembly, made the last year in affirmation of the constitution and known usage of the province allowed them to sit upon their own adjournments; yet they did not remember that they had adjourned without acquainting him with the occasions, and motives of their adjournments, and on that account had been put to very great trouble in sending to his country house and elsewhere, and as they never adjourned but with submission to his call, whenever he thought fit to convene them again, so they never endeavored to restrict him to their appointments, therefore his suggestion of their taking upon them or endeavoring at least to invert the order of government was groundless.

That they expected he had by this time considered of the bills they had laid before him long since; and would have been ready to pass them, or tell them he would not, as also



to give the province some relief in those matters they complained of from time to time, and could have no redress, which was so great a neglect in his administration, that they could do no less than remonstrate.

That as for what representations they should send to England, the substance of them was diffused in the several addresses, remonstrances and resolves of the house, w<sup>ch</sup> had been already laid before him, and that what they added to them chiefly related to the false alarm, and his beating the constable when he was doing his duty upon the watch, with some other practices unbecoming his station. And as a repetition thereof might not be very grateful to him, so they were not as yet satisfied that it was their duty to lay before him what addresses they made concerning those matters, wherein he either refused or neglected to give them relief.

And that since they perceived he was not inclined to proceed with them either in legislation, or to favor them with an answer to their addresses as they had often desired, they thought fit to acquaint him that being mostly persons of mean *E*states, and whose personal care about their domestic affairs was by the approaching harvest rendered indispensibly necessary, they should be forced to adjourn 'till the governor should find occasion to require their further attendance.

Having sent this answer the assembly adjourned till the 23<sup>d</sup> of the following September—the first of October came on the anniversary elections according to charter—the representatives then chosen met on the 14<sup>th</sup>, and were told by the governor that:

Although as he perceived the choice of representatives in assembly had fallen generally upon the same persons now, as were in the last year, with whom so much time was unhappily lost by he knew not what influence which might and ought to have been spent in the service of the country, yet he was now to look upon them as a new choice and that

they were to consider themselves as entirely disengaged from those differences and fruitless disputes which they very improvidently and unnecessarily fell into and maintained, and that this they would find to be the first effectual advance to business, and without which it was in vain for him to meet them.

That he should without any design of reflection upon the proceeding of the last assembly (for that these would have their weight elsewhere) but for the benefit and use of the present in a few words point to those *Rocks* they split upon, which they might easily avoid. The chiefest and he thought the cause of most of the rest, was the assemblys being so fixt on, and tenacious of every thing they themselves proposed tho altogether foreign to the great business then in hand; no less than the restoring to her majestys subjects the courts of judicature and reviving the pleas and process, the very essentials of a well regulated government, that several things inconsistent with his duty tho not essential were put into a ballance with those great rights the people then languished for, which, says he, *I do most seriously protest was my earnest desire to pass a bill for, and was ready to agree to every thing consistent with the just discharge of the trust reposed in me for that end*, and that he doubted not but when they came to a review of those affairs, they would find that every thing necessary to the establishment of courts had been actually consented to almost in the very manner proposed (altho many things in that bill might have been found at a time when there was less necessity for a law not altogether proper) and that it must appear very unaccountable to impartial men, that the house could not think fit to agree that the country should have any courts at all, unless he would suffer a bill, stuffed with various matters not any wise then pertinent to pass.

That he hoped what he had said w<sup>d</sup> serve for a sufficient caution to them of falling into the like mistakes, whereby this province instead of enjoying the great advantage and

benefit of the best of constitutions, to wit, assemblies might have cause to think them the greatest grievances.

That what he had now to offer for the service of the country was to recommend to their consideration the preparing such a bill for establishing the Courts, that might consist with reason and his duty to pass, for that certainly he should pass no other, and this he proposed not from any necessity they lay under of such a law, the courts being settled by as good authority as any derived from the royal charter, but to convince them he was still truly inclinable to give general satisfaction by a law, and to remove those ill impressions that have made upon the ignorant against the present establishment, and if any thing on their parts might be thought upon for the honor and service of the country, he should freely accept their proposals, and readily agree to whatever was conducive to that end, when he returned to meet them again; for that they knew manifestly the affairs of the lower counties interfered with those of the province by reason that her majestys service did immediately require his presence there, whither he designed tomorrow, where he should use all possible dispatch and in the mean time it was necessary that they should be adjourned.

They told him they had deliberately read and considered the copy of his speech, and finding it to contain severe reflections against the last assembly obliged them to inspect their minutes and proceedings, on which they found they had taken great pains and used earnest endeavors for the service of the country, who they were fully assured were well satisfied therewith, so that they conceived this sort of treatment to be an indignity offered them unbecoming his station.

That as to what he said that the Rock they split on was being fixed and tenacious of every thing they themselves proposed tho' altogether foreign to the business then in hand, to wit, restoring to the queens subjects the courts of judicature, and reviving the pleas and process &c.

They found by the journal of the house that divers con-



siderable alterations were made to accomodate the bill of courts in divers respects to his mind, and upon a review of the whole bill the several paragraphs of it having been distinctly read in the house, they were of opinion that it containd nothing foreign to the regular establishment and well being of the courts of judicature, but on the contrary considering the magistrates here were generally such as had not been very conversant in the law (and that the obtaining and continuing those of greater knowledge and experience, w<sup>d</sup> be both difficult and uncertain as well as chargeable) the said bill would be of great use and service to the province in general as well as to those concerned in the magistracy in particular to whom they conceived it would be as a directory for the discharge of their duties; neither could they perceive anything in it inconsistent w<sup>th</sup> his duty to pass, nor (as last amended) much differing from his own proposals, save in two points, the one about displacing of clerks for misbehavior, and the other about the justices granting licences, both which were agreeable to the laws of England, that ought to supply the defects of their own.

That if the people then languished for those great rights as his speech suggested, they intreated him to consider that the repeal of the former law about courts came to his hands long before that assembly were elected, and if the assembly in being at the arrival of the said repeal would not agree with him to settle them by a law, he had the opportunity of doing it sooner in the method since taken and applauded, and if blame were due to any on that account, they knew where to place it.

That they did not conceive that the bill was stuffed, with various matters not anyways pertinent, nor that it would appear unaccountable to impartial men, that the assembly then insisted on what they did as he was pleased to suppose, which would render not only them, but the generality of the freemen (who by a second choice have signified their approbation of those proceedings) very ignorant as well as

great enemies to their own interest, & were it true, they merited pity more than blame.

That they were of opinion, notwithstanding his protestation of a desire to pass the bill for establishing courts, that his pretended readiness to agree with the last assembly and his present speech filled with reflections and invectives against them could not be well resented by the country nor be a prudent method of begining business with the house.

That if the last assembly had been guilty of the mistakes he suggested, his caution to them would be more seasonable, but they, having used their endeavors for a regular establishment, and shewd their dislike to the violation and encroachments attempted upon the rights of the subject, and being resolved to follow their example therein, and do what they could for the public good, there would be no just cause for any to conclude that this part of the constitution, wherewith they were entrusted, would become a grievance to the province unless they would concede that the power granted them by the royal charter should be renderd so precarious as some would have it subservient to arbitrary designs & practices, leaving the grievances of the people unredressd, and those evil ministers and officers, that oppress and abuse the country to go on without rebuke.

That as to the preparing such a bill for establishing courts as might consist with reason and the governors duty to pass, as he seemed resolved to pass no other, so they hoped they should never press or (so much as) propose it, tho' they could not but take notice that his suggesting a doubt to the contrary argued a diffidence of them before trial, which look'd something uncharitable.

That he was pleased to acquaint them that they lay under no necessity of such a law, and that the courts were already settled by good authority only he was willing to remove those ill impressions that have been made upon the ignorant, if they were of that opinion, they thought it would be misspent time to do it by a law.

But by the complaints already laid before them of the great injustice in those courts, and abuses and injuries sustained by the queens subjects of late in being denied those remedial writs w<sup>ch</sup> even his own ordinance prescribed should be granted of course, they were sensible of the contrary and had good cause to believe there was some defect which (as he was pleased to say in another case) would, they hoped have its weight elsewhere if not speedily redress'd here.

That to conclude what they conceived would be for his honor and the service of the country was that he would be ready to concur with them in passing such bills as might be truly for the good and benefit of the people under his care, especially that the current of justice might be opened by a proper and legal way, which at present seemed much obstructed, and that he would consider the said bill with the others already lying before him for that end, all w<sup>ch</sup>, they understood were prepared and presented by the last assembly, though they found no answer upon their minutes either to the said bills or their address about the New Castle imposition, and other abuses then complained of, and if he pleased to shew them his objections to any of the said bills, they should have their due weight, that had he favored them with an account of the time they should have met, they would have adjourned accordingly, but being uncertain how long affairs might detain him there, they had (unless he thought fit to convene them sooner) adjourned till the nineteenth of November next, and hoped and expected a friendly meeting with him to proceed in the further consideration of the said bills, and such other matters as might occur.

They accordingly adjourned to the 19<sup>th</sup> November when they met again, and the governor, by two of his council, Thomas Story and William Trent, sent a message to them, the contents whereof, according to the assemblies apprehension purporting a refusal to act or proceed in legislation with the house until he should receive the opinion of the



lords of trade, especially in relation to settling the courts of judicature in direct opposition to his speech made to them at their first sitting, wherein they alledge he seemed earnestly to press the settling the said courts by a law, and further observing the said paper to contain very abusive and unjust calumnies and reflections against the house, having, as they said, a tendency to violate that part of the constitution of the government, whereby assemblies were to continue and sit, upon their own adjournments altho' the exception in that clause (whereby he would pretend to the power of prorogation) reserving a power to call the assembly again at pleasure, renders the whole pretence absurd, and repugnant to itself, and also alledging that altho' the said paper was said to be sent by the governor, yet it was neither signed by him nor directed to the assembly or the speaker.

Thereupon a debate arising among them whether the assembly should take any further notice thereof, it was resolved N. C. D. that for as much as the said paper is filled with bitter invectives, false charges, unjust calumnies, gross abuses, and base reflections against the representatives of the freemen of the province in assembly met, and that also by the said paper, attempts were made to violate that part of the constitution of the government, whereby assemblies were to continue and sit upon their own adjournments, the better to introduce arbitrary power, and seeing the same was neither signed nor directed to the assembly, that therefore the said paper should be rejected, as unbecoming the further notice of the house.

This concludes the business of that sitting, so that having only sat two days, they adjourn'd till the 18<sup>th</sup> of the month called May next year when they met again, but the governor being gone to New Castle, the house from his absence and uncertainty of the time of his return, adjourned till they were summoned to meet again.

## CHAPTER XI.

GOVERNOR EVANS CALLS THE ASSEMBLY—STRENUOUSLY RECOMMENDS MEASURES OF DEFENCE—THE ASSEMBLY'S REASONS FOR NON-COMPLIANCE—THE GOVERNOR REPLIES BY TWO OF HIS COUNCIL—THE ASSEMBLY'S ANSWER.

1708. The second to the month call'd August this year, Evans summoned the assembly to meet in legislation.

The occasion, he says, of their being so unexpectedly called together was to lay before them the heavy pressures and grievances they at present laid under, the greatest that ever (he supposed) this province as yet had felt, in having their river and capes so beset with the enemy, that their navigation had been rendered almost entirely impracticable, and the losses that the trade (the only support) of the place had very lately sustained by the unhappy adventurers and traders being ravaged and plundered at their own door after the many risques abroad, and the real danger they daily lay exposed to, of suffering more from such an encroaching, and unresisted violence must sufficiently shew the necessity of taking measures to drive so destructive an enemy from that station, which they seemed to have taken up through an opinion that they could nowhere commit their spoils with so much safety.

That whatever was to be done on his part in order to this, he was ready and willing to perform, but as nothing of this nature could in his apprehension be carried on effectually, without some supply of money, and they at present made up that part of the governm<sup>t</sup> which was necessary to concur in the raising those supplies, he hoped he might with reason expect from their so unhappy a condition, that they would without any loss of time, fall upon such measures as might enable them to put a stop to so insupportable and he feared so growing an evil.

That the sole end and design of government was to main-

tain justice, that is, to preserve to every man his right against all invaders, they had laws against thieves and robbers, and officers to put those laws in execution, if they resisted, they were taken by force, when occasion obliged them to submit to the last extremity, & without this, there would be no such thing as government. If then, they found it their duty in government to suppress a private or particular force, by all the means necessary to it, how much more incumbent was it upon them as a government to suppress that force which was destructive to the whole. That now, for aught he knew, might be the very time by a prudent discharge of their duty to prevent the utter ruin of the place, because unless a check was given to their boldness, to convince them they were not to be plundered with such ease and safety as they seemed to believe, they had very great reason to fear, they might and would visit them in their houses as they had done to some better defended colonies. That such without any aggravation was the present unhappy condition of the government, and that it loudly call'd for the help of their representatives, and which he thought was in their power to give, without offering violence to any principles except such as are against answering the end of government mention'd before.

That he deferr'd calling them together during the necessary affairs of their harvest, that they might with more alacrity, enter upon the business proposed to them, and he hoped they would unanimously serve the country in so great an exigency.

The assembly replied that the account they had of the losses which the trade of the province had sustained, and the interruption of their passage in the bay and river was matter of great concern and trouble to them, though it was a calamity that befel the neighbouring colonies as well as the inhabitants here, but that an enemy should be suffer'd so long to make their capes his station and no care taken (as they understood) to give notice thereof to the vice-



admiral, until those great spoils were committed, had been such a neglect as administered cause of dis-satisfaction and complaint, for they understood the queen out of her royal care to her subjects, and safeguard of the sea, had given the high admiral and his deputies ample authority to scour the coasts of all such robbers and to secure the navigation of this as well as the rest of her colonies, and protect the merchants in their lawful trade.

That they know that the people of this province had not been wanting on their parts and according to their abilities and circumstances to raise supplies from time to time and granted to the proprietary eight hundred pounds out of the last land tax, together with half the impost and excise, and ordered the same to be paid to the lieutenant governor for the support of this government, and the administration thereof, & that they found that the governor had received the said eight hundred pounds, and that his part of the impost &c, already collected and secured amounted to above five hundred and fifty pounds more, which, with the fines, forfeitures, licences and other profits arising in casual & accidental ways, that had been taken by the governor or secretary in behalf of the proprietary ought (as they understood) to be applied towards answering the ends of government, which the queen they presumed expected from all that would undertake the administration thereof in any of her dominions.

That they knew that when this province was granted to the proprietary, he had power at his pleasure to convey any part or parts thereof, and to erect manors, and to reserve such rents, customs and services as he should think fit, in pursuance whereof he sold lands to a great value, and reserved rents sufficient in a moderate way to maintain him or his lieutenant answerable to their station, nevertheless, when his exigencies have been such as required a further supply as in the year 1700 the assembly assisted him by an impost for two years, which amounted as they were informed, to a

very considerable sum of money, and a *Tax* of two thousand pounds besides, which tax and impost the then assembly appropriated to his own particular use, but the said eight hundred pounds & half the impost so granted as aforesaid, were appropriated for the support of government & the administration thereof, therefore they expected that the same had been or would be so employd and that the governor and council forthwith, according to the power given by the act would oblige the collectors of the tax to gather the arrears with all expedition, and if what was so appropriated for the support of the administration of the government, would not be sufficient to answer the present occasions they should with all alacrity proceed to raise a new supply for the public service of the province.

For as they partook of the queens gracious protection to all her subjects so they held themselves obliged in duty to give supplies for supporting the government according to the powers granted by the royal charter, and altho' they did not pretend to direct the way and manner that the governor did or should dispose of those supplies, yet they conceived it their business to enquire, and did accordingly desire to know whether they were applied for the support of government, and they also requested an account of such late Indian treaties and messages with the charges thereof, as had not yet been laid before the assembly.

The governor replied by message by two of his council, William Trent & George Rock

That the distresses her majestys subjects in this province lay under, and the plainness he had used in representing them, would now, if ever, have obliged them to treat so important a concern with the candor that became men of reason upon so pinching a necessity, that he could not but think it reasonable to expect that they would if possible come to some speedy resolutions to put a stop to the growing mischief, and impending dangers with which they were daily threatned, or if they should find this (as he thought it not

impracticable) that then they would propose such other methods as they should judge for all their safeties to be most advisable, adding that to have this affected was so highly incumbent on him in his station, that he must once more urge, and press the matter very earnestly and tho he was resolved to avoid spending of time as had too often been done in fruitless messages and returns to them, yet lest they should think what he had received from them ought to be taken as an answer to what he had laid before them, he should with the same plainness take notice of each particular of it, that upon maturer consideration, they might think themselves obliged to fall upon measures more becoming their station, and the weight of the business now before them.

That he was sensible the calamity he had mentioned, affected not this colony alone, all her majesty's dominions were by the same means (as it always happens in so pressing a war) in some measure sufferers with them, but that what distinguished them at this time was, that there was not one colony in America, that had so considerable a trade, by their own shipping, a town so inviting to an enemy as this; but what had some kind of provision made for a defence that might discourage an attack or invasion, while their nakedness seemd to be as well known to the enemy as their name, or at least their situation, and encouraged them to treat them accordingly.

That it would be happy for them, 'twas true, if they could reap such a benefit from the authority (as the house alledged) that her majesty in her royal care of her subjects, and the safeguard of the sea, had given the lord high admiral and his deputies such power as to have their coast here protected by that means, without any concurrence of their own, but that it was in vain, he doubted at present to expect it. That col. Seymour governor of Maryland was now vice-admiral of this province, and had his deputy in this place, but neither of them had any force at their command, that



he could hear of, which they could (if willing) employ on this service; that to depend on such relief would be to amuse themselves in vain, of which he could not persuade himself that they could be insensible even at the time they thought fit to make that a part of their answer.

But if it was intended that he should have applied to the governor of New York, upon the first notice of their losses, for assistance, from thence, he must inform them, that besides that he had no right to crave it, further than what his goodness might have condescended to, together with the first account he received of their losses, he was also informed that both her majestys ships attending that government were then at sea, and one of them had spoke with the privateer, no longer than a day or two before he did the mischief, but was prevented by the weather from engaging, so that an express at that time could not (as it then appeared) have been at any service, and further he had so great hopes given him of putting something in execution so effectually themselves, that such an application at that instant would have been needless, but this fell to the ground for no other cause, than the want of a fund to bear out the charge, all other necessaries offering at that time with more ease and in greater plenty than has been known in the place before.

That for his own part he was heartily zealous to do all that became his station, and if any step was omitted that they afterwards found might have proved of use to them, that being now past it might be lamented but could not be remedied, but what measures were, or were not then taken, was not the point now before them—the past losses were not their only grievances. That they lay disposed to suffer more, and without other measures as he had already told them, they were in danger of utter ruin and desolation, that to find proper means for preventing this, was the important business that most seriously concerned them all, that everything in this world that could be dear to them in a great measure depended on it, nor was it to them alone that they

owed this duty; her majesty would expect it from them, lest by their failures so considerable a colony should be cut off from her dominions, and that this he had already told them could not be effected without some supplies of money, in which their immediate concurrence, was absolutely necessary, but instead of granting them tho' the occasion there was for them could admit of no dispute, he was most surprisingly turn'd over to an account of what the proprietary had from the begining received by means of this province, without remembering any part of his expences upon the whole of which, notwithstanding, when taken altogether, he was at this instant, as he had great reason to believe, very much a loser, and had deeply sunk his other estate by it w<sup>ch</sup> was clear before, but that forgetting all his expences, whatever had been paid was reckoned up as it were so much entirely gained, and being so were to be accounted no part of his own estate, but must be laid up in store for the use of the people, and their future exigencies here, that to mention this as the matter really was when divested of the glosses put upon it to serve another end, was sufficient to expose its extravagances, but that no shadow of a pretence for declining so necessary a Duty as was now under consideration, might be left unremoved, and to prevent the like on all future occasions, he should here take notice of all they had insisted on, and clearly shew them that not one particular they had mentiond was to the purpose then in hand.

That it was very reasonable to believe that the proprietary having sold lands to a great value, received considerable sums for them, and they found he had reserved a quit rent on them all, but then upon enquiry he perceived, that in consideration of the money and those quit rents, the proprietary by firm but common deeds of sale, granted the purchasers a free estate of large tracts of land which they, or some in their behalf now enjoyd; and he was told that there was not in any of those deeds one warrantee to defend

the possessors against hostile or invasive force, or one covenant that mentioned government or the support of it in any of them all, but that forty shillings down, and one shilling yearly was the consideration paid on the one hand for an hundred acres granted on the other—that he had been told of these quit rents once before to the great surprise of those that heard it, and knew much more of the matter than he could at that time, but upon a full scrutiny into the whole by some whom it concerned, he perceived there could not be one trace found of any such compact, but in the pretended memory of two or three persons, who were noted to have stronger prejudices than reason, and who in these points were not too much to be relied on, & he was informed that for many years before this government wanted supplies, this notion had never once been heard of, but was just then started, and perceived it to be greedily laid hold of partly by some whose narrowness made every pretence to save money very acceptable, and partly by others to whom any kind of handle to obstruct business was no less agreeable, but was entirely exploded by such as were much better judges from clearer reasons, and better opportunities of knowing, so that upon the whole he found the proprietary and those concerned for him, accounted that these quit-rents, and the government here, were no more related than his estate in Europe was to that of Great Britain, and therefore it was impossible for him, the *Lieutenant Governor*, to come at one farthing of them to answer any of these ends now proposed, which he desired might be a perpetual answer from him upon this head.

That the next in course being two thousand pounds granted A. D. 1700, of which about one thousand six hundred pounds was to be paid by this province, was as far out of his reach, nor could he find by the act for raising it, that ever it could be strained to answer any of their present occasions, were it in bank at the time, for that it was alledged the proprietary paid very dear for it another way.



That the impost (whether great or small he knew not) was then a yearly support so long as it lasted, tho' not for three years as they affirm; while it was paid it doubtless had its service but it had been expired this many years, with all its profits, and therefore now yielded not one penny.

That the next, and what came nearer was eight hundred pounds granted to himself, w<sup>ch</sup> he had received, and five hundred and fifty pounds more as they said by the impost—the first was true he acknowledged, and having now been in this government above four years and an half, and had received by that tax, by their computation, one thousand three hundred and fifty Pounds, which yet was not true, to which they might add if they pleased, one hundred a year more by perquisites, which was also much more than they had amounted to, and thus they might make up the even sum of one thousand eight hundred pounds, or four hundred pounds a year since his arrival. That this at the current exchange was two hundred and fifty pounds sterling not paid in England where it would be of much greater value, but in Pennsylvania, where all European goods were sold at near a double advance, even in sterling—that he was not unwilling it should be believed (tho' not true) that he had received so much yearly for his support in the administration of this government, and yet had not one farthing to spare out of it for the defence of the place, or other exigencies more than any private man on the same score, which he assured them was the case; nor had he ever before heard it suggested that any part of these sums were designed for any other purpose than his own support, to which alone they had been converted, but much less that they were to defray the charge of such particular exigencies, for which in all her majesties other dominions particular funds had constantly been allowed, and their purposes as particularly declared. That from what remained of that whole fund, they might very well know how it was appropriated, and what debts were to be discharged by it, which it was now found would, with the other

great draughts that had been made on the treasurer, take up the whole were it all collected, but when this would be, was but too uncertain, the remissness of the collectors being greater than all the methods the council could use, had been hitherto able to remedy.

That he had more largely than at first intended, made it clear to them that of all the sums they had mentiond, there was not one penny to be had to answer the pressing occasion laid before them; it was therefore immediately incumbent on them, to resolve without delay, and let him in clear terms know what was to be expected, that he was not now asking anything for himself, it was for their own immediate service. It was they, and all her majestys subjects in the province, whose interest and estates lay at stake, who therefore called on those in whom the power of government was lodged for a speedy and timely provision, that his willingness who was concerned in the administration, he had sufficiently expressed, it now lay upon them to advise and concur in what was necessary to be done, for without their assistance they well knew it was impossible for him to effect anything, that he should not direct them any further only they might assure themselves, that as this whole business was the most serious that could in this world be proposed to men, so it would be pursued accordingly, for give him leave to say, that tho' they were the present representatives, there were great numbers of others who, finding their all engaged, would conceive themselves at least, as deeply interested, and therefore would assuredly apply to other hands for what they failed of obtaining from theirs. He desired them to lay this with the rest seriously to heart, and consider that it was realities and not words that were wanted, and that they would give him their result in express terms as speedily as possible for after he had thus explained himself, there should be no more time spent on messages on this head, nor should he be willing to receive any, but what were directly and immediately to the purpose.

The assembly on this observed——

That as it imported matter of great moment to the inhabitants of the province, and divers of the members of assembly were absent from their service, they would adjourn for three or four days, to the end the respective members might confer with as many of the most principal freeholders and inhabitants of the province, as they could conveniently meet with (in the interval) upon the subject, as also to acquaint the absent members that the house expected their attendance at their next meeting, all excuses laid aside, and after making an order that the governors message should be the first thing read and proceeded on at the next meeting, they adjourned for a few days; and when met again, divers of the members from the counties acquainted them they had conferred with their constituents. The House now by message acquainted the governor that as they esteemd his end in calling them at this time to be a matter of great importance, so they prefer'd the consideration of it before many grievances, pressures and distresses that lay heavy upon the province, while such as were deemed in great measure the occasion escaped unpunished indeed, that the torrent of debauchery seem'd to overflow the place with security; that the hands of those that would stop it were weakened under the present administration, and after this bold stroke, say they forebore to be more particular concerning those distempers of the state, yet conceived it their indispensable duty to mention them as matters of complaint, which if not remedied might prove the means of bringing some mark of the divine displeasure upon the province.

That tho' the proprietarys power as captain general had a large extent, yet the legislative authority was bounded by the river Delaware, and went no further down than twelve miles on this side New-Castle, and that no power was given the governor by the charter or otherwise as they knew of, to set out vessels of war, or privateers but as the river and bay below, as well as the sea coast, were chiefly under care and



subject to the command to lord Cornbury, governor of the Jerseys; and vice-admiral of the same, they thought those concerned in trade, who depended upon such a safe guard, might reasonably expect the benefit of his authority, which extended not only to fit out ships of war, but also to arrest ships and vessels, for the defence of the sea and sea coast which none could do, as barely governors, without special commission or licence from the queen for that purpose, whence they concluded that if the vessel the governor had arm'd and fitted out had taken the enemy, he might perhaps have met with more difficulty than *Hurst* did to make such caption a lawful prize.

That this was not the first time colonel Seymour's name had been used to amuse them, they never heard that he exercised the power of vice admiral in the Delaware, but that lord Cornbury did, and that they were told upon another occasion, he convinced the governor he had ample authority for so doing,<sup>e</sup> however they were well assured that he shewed a great deal of readiness to protect their navigation, without any other concurrence or application, but what he received from private hands as they were informed, and this they conceived he did not only in discharge of the trust reposed in him by the high-admiral, but in honor and duty to the queens majesty, upon whom the law had put the charge and care of her subjects protection, in which the merchants were peculiarly regarded, as appeared by many unquestionable authorities; but that of these they should here mention but one, which they thought full to the purpose.

That was one *Bates's* case, adjudged in the court of Exchequer, where it was agreed that the king in his prerogative, had the whole dominion of the Sea, and that all the ports were the kings. That the king had the sole power to restrain or forbid the going beyond sea, the sole appointment into what countries the merchants should or might

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<sup>e</sup> Probably R<sup>d</sup> Hills affair in going by the fort at New Castle.

trade, and into what countries they should not trade; and for these respects the king was to maintain the ports or provide for the safety of the merchants, and to clear and scour the narrow seas from pirates and robbers, for doing whereof was added the tonnage and poundage granted by parliament, and that since then divers other duties and customs as they understood had been given on the same account, so that upon the whole matter it seemd chiefly incumbent on the governor of this province with respect to the safeguard of the sea, when an enemy was discovered upon the coast, to give the vice admiral notice thereof and since the governor had the third of the forfeitures upon the acts of trade they thought he was, or might be well rewarded not only for his care in seeing the said acts complied with, but also for his vigilance in the other part of his duty—that if their merchants could not reap the benefit of protection from any of the forementiond supplies yet the trade of this place being crampd with an impost, and the moiety thereof appropriated for support of government, they thought they ought not to be put upon sending for a convoy as they were informed they were forced to do at their own charge.

That as to the supply they should have occasion to speak of it hereafter, and as to the proprietary's expence, if any had been upon the account of the public exigencies of the government, he ought to be allowed for it, but as to what they mentiond concerning the proprietaries rents, and the two thousand pounds tax and impost (which thro' misprision of clerkship was said in their answer to be for three years where it should have been but two) the governor had no just cause from anything they said to draw such consequences as he did and endeavor to invalidate affirmative proofs with bare negatives.

But that they were still of opinion that it was much to the purpose to mention them as they did to shew that proper measures had been taken to provide for the support of the proprietary, and his duty differing from the means

ordained for the support of government, it was not a distinction of their making, but what they collected from the very expressions of their late laws for supplies, and if so, where was the extravagance of what they mentiond on this head? Was it because they said that the rents reserved were sufficient in a moderate way to maintain the proprietary or his lieutenant answerable to their station—they saw no cause to decline saying so still.

That if they desired the proprietary would be content to live upon his rents, and that fines, forfeitures, escheats, and other profits and perquisites of government should be employd for the common good and public service of the government, it would not be without precedent, for they found that the commons of England petitioned that the king would live of his revenues, and that escheats, forfeitures, and other profits of the crown might be kept to be spent for the defence of the kingdom.

That they were not willing to suppose when the proprietary was favored with the royal charter, and by virtue thereof assumed the government here, and became entitled to royal mines, escheats, fines, forfeitures, and other profits (which in their own nature are rights of the crown, and as such ought to be employd for the common good) that he intended to deck himself or his deputy with those jewels, and not have directed them and the other supplies given for the support of government to be employd for the good of the public as revenues of that nature ought to be, but we hope he so intended. Therefore as the governor was employd by the proprietary to supply his absence in the administration of this government, it would have been much safer for him to have laid hold of what he found uncollected of the two thousand pounds tax to convert to his own use, than the eight hundred pounds and half the impost (given for support of government) with fines and perquisites were, they supposed, much more than the governor's computation—they thought it their duty to insist that they might



be applied to answer the occasions of the public, and that before they proceed to the raising of any new supply, because the account they had of the former, was no demonstration at all that the fund was expended as it ought to be, upon support of government, but directly the contrary.

The governor not replying to this answer, messengers were sent to inform him the house was about to adjourn, but first desired to know whether he had anything further to communicate to them; he answered, that *he had nothing further to say to them but intended to take other measures.*

That house then adjourned & met no more.

## CHAPTER XII.

EVANS REMOVED FROM THE GOVERNMENT—CHARLES GOOKIN ESQ. SUCCEEDS HIM—THE ASSEMBLY THEN SITTING CONGRATULATE HIM, AND LAY BEFORE HIM SUNDRY OF THEIR GRIEVANCES—THE PROPRIETORS CHARRACTER OF GOOKIN—SUBSTANCE OF GOOKINS SPEECH TO THE ASSEMBLY OF 1709—OF THE ASSEMBLYS ADDRESS—AN ADDRESS OF THE COUNCIL TO GOOKIN—THE ASSEMBLYS REPLY TO IT.

After the next election the new chosen members met as usual on the 14<sup>th</sup> of October, but the governor was again absent at New Castle, they waited for his return till the 16<sup>th</sup> and then from the consideration that he had absented himself from the province just at the time when by charter the assembly should have met him, and that the time of his return was very uncertain, as also that for two years before, they could not prevail with him to pass one bill proposed for the public good of the province, concluded to adjourn.

Here ended the disputes with Evans,—the relation of them has been the more particular, as they contain the substance of many of the same kind that have happend since.

This was the last meeting of the assembly in his time. Their repeated complaints to the proprietary proved effectual, so that he removed him from his government, and appointed Charles Gookin Esq. to succeed him, who arrived in the spring this year—the assembly were at that time sitting, and tell him in their address.

That they can do no less than congratulate his seasonable accession to the government, and render their most grateful acknowledgements to the queen for her gracious acceptance of the proprietary's nomination of him to supply his absence, and to him for constituting a person of so fair a character, furnishd as they hoped with a full resolution as well as power to redress the aggrivances, and remove the oppressions that this poor province had for some time labored under, occasiond by the irregular administration of the late

deputy governor, who was too much influenced by evil council, to which the miseries and confusions in the state, and divisions in the government were principally owing.

That they were ready to represent such of those public grievances as were laid before them, or occur to their knowledge in particular articles, and bring them to a proper examen, but perceiving by his message to them yesterday that he was not ready at this time to proceed with them to business, they should take leave only to mention some of those things, which the public weal of this country call'd for a most earnest application and speedy redress.

That in the first place they were to lay before him that of the false alarm in May 1706, wherein the late governor was chief actor, and for which he was highly chargible having shot at the queens subjects, putting many of the inhabitants of this town into danger of their lives, and forced great quantities of powder and lead from the owners, & gave it to such as wasted it, when he knew there was no occasion to use it, whereby he deprived the place of what ammunition, might be ready for those that had freedom to make use of it for their defence in case of an attack.

The next was that notorious act of hostility he committed by firing shot at the queens subjects passing by New Castle in this river upon their lawful trade to & from this port.

That they mentioned these as they were in their opinion offences of a deep dye, & committed against the queens crown and dignity as well as against the peace, & ought to be charged upon him before he departed this province, but the method of the prosecution against him, they submitted to his prudent care and discretion, and that they should be ready to do what was proper on their parts.

That the Treasurer of the last tax refused to comply with the directions of the assembly in paying the public debts according to the respective orders drawn upon him, and signed by the speaker, and that the collectors of the said tax, who neglected their duty in gathering the same, had



not been obliged thereunto, according as the act of assembly in that case directed, and more particularly the collector of the city & county of Philadelphia.

That the courts of judicature of this province had been, and now were erected by ordinances of the governor and council, against the advice, & without the assent of the assembly, which they complain of as a great oppression and aggrievance to the people they represented, and desired the same might be speedily redressed, and that the bill prepared for establishing courts, with other useful bills might be ready to be presented to the governor for consideration.

That understanding he had brought some commands from the queen to this government, as well as instructions from the proprietary relating to the public, they desired those, with a copy of his commission and the royal approbation might be communicated to them, at their next meeting which they intended on the twentieth the next month, and should adjourn accordingly, unless it was his pleasure to call them sooner, which they should be ready to comply with, not only in expectation of a speedy redress of their grievances, but to settle by law how money should be paid upon contracts made and to be made before the new currency of money took effect.

W. Penns sentiments of governor Gookin, will among other things appear by the following extract from an original letter dated London 28<sup>th</sup> 7<sup>th</sup> mo. 1708.

“Now my dear friends, as to outward things, I have sent a new governor of years and experience, of a quiet easy temper, that I hope will give offence to none, nor too easily put up any if offered him without hope of amendment—The queen very graciously approved of him at first offer, gave him her hand to kiss, and at last being introduced by the earl of Godolphin, lord high treasurer of Great Britain at Windsor, she added *S<sup>r</sup> I wish you a good journey, and shall be ready to serve you.* He is sober, understands to command

and obey, moderate in his temper, and of what they call a good family,—his grandfather sir Vincent Gookin having been an early great planter in Ireland in king James the 1<sup>st</sup> and 1<sup>st</sup> Charles's days, & intends if not ill treated to lay his bones as well as substance among you, having taken leave of the war, and both Ireland and England to live amongst you, and as he is not voluptuous, so I hope he will be an example of thriftiness—in short, he has instructions as much to the virtue, justice and peace of the country as I can express myself, or you desire for your comfortable living, pray therefore receive him kindly, and express it by a modest subsistence, or rather give it me to give him, or how you please.

“The lord Lovelace governor of New York and a promising one indeed, presses, and the admirals orders for sailing are gone down, the wind fair, and governor Gookin leaves me tomorrow. I earnestly beseech you to assist James Logan, and who else the trustees for repayment of the money here advanced, shall nominate, not only to get in, but turn into money the best you are able, that I may come honorable to you, & speedily, which I propose to do, as soon as you and these friends here think fit. Let me have this pledge of your love, and it shall be a lasting one, to advise and assist you for the expediting the matter, for be assured I long to be with you, and if the Lord bring me and mine well there, I hope not to return on almost any terms, at least not without your advice and satisfaction, for care of you, and settling plantations for my poor minors, for planters, God willing they shall be in their fathers country, rather than great merchants in their native land, and to visit Friends throughout the continent at least their chiefest business.”

1709. Governor Gookin at the first meeting of the house in the spring 1709 thank'd them for their congratulations, and assured them that he came with full resolutions on his part to employ the power with which the proprietary had thought fit to honor him, and her majesty had been pleased

to approve of, to render the people of this government, as happy and easy as was possible for him, in all things that should concern their true interest, and be to their real advantage, that he had enquired what might be meant by those aggrivances, oppressions and confusions which they complained of, and whatsoever he should meet that deserved those names, should have his ready concurrence to remove them, that one effectual method to free all people from the apprehensions of grievances, was to lay all former animosities, and jealousies aside, and in future apply to such business as they were concern'd in for the public, with a freedom and openness of temper and an unbiass'd inclination to promote the common good without any particular views.

That as to the two past actions of his immediate predecessor of which they complained, they were both well known in Britain before he left it, and that he had no directions to make any enquiry into them, and that upon the best advice he could receive here, he found they would not properly fall under his cognizance, and therefore could not think it fit to concern himself with them.

That the council of the province now with him thought themselves very unjustly treated by their mentioning them if they (as was generally understood) were intended by the evil council, of which they had taken notice, and therefore had taken the liberty to vindicate themselves as they might see by their application to him, to which he refer'd them.

That the charge against the treasurer was occasion'd by his and the councils understanding the act of assembly, by which the money that came into his hands, had been granted somewhat differently from what the present and the late houses of representatives had done: that the treasurer plead the law as his best direction, and that it was fit that this alone (i. e. the law) ought to determine the matter.

That the method of establishing courts by the governor and council, was also well understood in Britain, and approved of there, as being grounded on unquestionable



powers granted the proprietary; that the bill formerly prepared by the assembly for that purpose, which was now before the board, had not been allowed, but seeing the present establishment w<sup>ch</sup> was drawn according to the plan laid down in that bill carried some inconveniences and required an alteration—he should be ready to agree to any other reasonable bill that they should propose for settling courts of judicature in such a regular method as might be a lasting rule for holding them.

That what he should principally recommend to them at this time, was the matter mentiond in the last paragraph of their address (*viz*) to prepare a bill for settling by law how money should be paid upon contracts made and to be made before the new currency of money took effect.

The assembly replied, that tho' they could have been glad there had been no occasion for the late hint they gave him of some of the oppressions and aggrivances which the province had for some time labored under, yet the hopes he had given them by his resolution of endeavoring the peoples ease and happiness was very satisfactory to them.

That they hoped this assembly was wholly clear from animosities to any, and beseeched him not to be imposed on by such as might endeavor to create hard thoughts in him, towards the house, who were fully resolved to follow his advice (*viz.*) to proceed to the business before them with freedom of temper and unbiass'd inclinations.

That they were sensible those gross acts of the late lieutenant governor were not unknown to some in Great Britain and tho' he had no immediate directions to make enquiry into them, yet when the assembly as the grant inquisitors, of the province had informed him of such horrid abuses, and acts of hostility and violence, as he had been guilty of against the queens crown and dignity, in raising men and arms, and firing at the queens peaceable subjects to the endangering their lives (instead of protecting them), which were taken to be acts of a treasonable nature, they hoped,

(notwithstanding the advice he had had,) that he would farther consider whether it was not incumbent on him to take cognizance thereof, or at least concur in some method, that such evil ministers might not escape with impunity, but be brought to punishment suitable to their demerits, as well as for example and terror to others.

That they were surprized the council of the province should understand from their mention of the late deputy governors being too much influenced by evil counsel, that they designed the council in general, or that the miseries and confusions in the state and government were principally owing to them, which they never intended; but on the contrary, believed most of them to be well wishers to, and promoters of the interest of the province, and accordingly valued and esteem'd them; that they designed that charge against the secretary James Logan, with some others not of the governors council, to whose advice and practice the miseries and confusions in this government were chiefly owing, as they were ready to make appear; in the mean time it was their earnest request and cordial advice, that he, the governor, might not be influenced by the said James Logan, nor any others to create misunderstandings between him, and the representatives of the people, and that they requested him, as the former assembly did his predecessor, to remove the said James Logan from his council.

That the treasurers answer was no ways satisfactory to them, nor had the council any right to order the disposal of that money—that the law was plain in the case, as they should be necessitated to let him know.

That the method of establishing courts of judicature by the governor and council, however approved of by some in great Britain as grounded on the proprietary's powers, they still objected against, that the bill formerly prepared, not being allowed of (or some other proposed wherewith the assembly might have concur'd) had administred great cause of dissatisfaction and complaint and especially the want of

regulating and settling the Fees, which (as then taken) were very extravagant.

That they were unanimously of opinion that the present method of holding courts and exacting was illegal and arbitrary and an infringement of the rights of the queens free-born subjects.

That they were given to understand he the governor had instructions from the queen, supposed to concern them as representatives of the people, but should at present acquiesce in his answer—those from the proprietary they hoped were such as allowed him fully to represent *him* here as lieutenant governor, without limitation or restriction, and they desired authentic copies of his commission and the queens approbation might be forthwith sent them, in order to their regular proceeding to the business before them.

That making all due provision for support of government and security of the people was what they held to be their duty, and should always be ready to do it as occasion offered, so far as they had power—that as to the bill recommended they were so sensible of the necessity of it that they should make it their first business, but at the same time expected redress of grievances, and the governors ready concurrence to such other bills as should be laid before him for establishing to the people their just rights, liberties and properties.

This and more to the same effect was among the first salutations to Gookin.—The following address from the council to the governor, is that above alluded to, and will speak for itself.

“To the honorable Charles Gookin Esq: lieutenant governor of the province of Pennsylvania and counties of New Castle, Kent and Sussex upon delaware.

“May it please the governor;

“We the members of the council of the said province, who attended the board during the administration of the late lieutenant governor, upon viewing the address presented



by the assembly on the ninth day of March last, think ourselves obliged to observe, that in the first paragraph of it complaining of aggrievances and oppressions which (they say) this province has for some time labored under, occasioned by the irregular administration of the late deputy governor, they have thought fit to add these words *who was too much influenced by evil counsel* to whom the miseries and confusions of the state, & divisions in this government are principally owing.

“ It was long (may it please the governor) before we could induce ourselves to believe, that men so well acquainted with the characters of most of us in our several stations in the country, could possibly intend us by the charge, until by the observations of others, we were forced to take a nearer notice of the expressions; upon which we are sorry to find that the word *Counsel* as there used, together with the general construction of the sentence, seems not to admit of any other interpretation but that to us principally is owing whatever the assembly has thought fit to complain of, or can reduce under the general terms they have used: If they will disavow any such intention, we shall crave no other satisfaction, but if not, we must then desire that they and all men concern'd in these affairs may know, that notwithstanding the proprietary and late lieutenant governor, according to the establish'd rules in all governments whatsoever, from the most polite to the most barbarous nations in the world finding themselves under a necessity of having a council about them to advise with, in affairs of government, have thought fit to chuse us for that service, in which according to our several solemn engagements, we have acquitted ourselves to the best of our judgments and abilities, yet not one of us receives or ever did expect any other advantage by it than the satisfaction of having discharged our duties to the country we live in, and to advance the prosperity and happiness of it as much as may lie in our power. We have no salaries nor allowance paid us by the country for this, nor offices of profit to encourage us; what we do is at

our own expence of time, trouble and charge, and upon our own estates is all our dependance, which giving us as good an interest in the country as others can pretend to, and being out of the reach of any possible views, different from the good of the whole, no man, without a manifest violence to his reason, can imagine but that we are as much concerned and therefore would be as careful to prevent and divert any miseries, confusions, or divisions that may threaten the province, as any other set of men whatsoever; so that this charge from the assembly if levelled against us, is not only unjust, but will be judged we believe exceedingly ungrateful by all that impartially consider us, and our circumstances among our neighbours.

“ After this general accusation, involving us in all things that have been irregularly committed, or that any person can think so to have been, they enumerate four particulars which they call aggrievances: to the two first we have nothing to say, and we hope no man can believe that any one of us was so much as privy to them, much less that we advised them—we here solemnly declare each for himself, that we did not. The other two, we acknowledge ourselves to be concern'd in, and shall always justify: That is, first, That we advised the treasurer to take his directions from the law alone, and without regard to the partial orders of the assembly to the contrary, and to make his payments in equal portions, which we hope cannot be counted a grievance; and in the next to prevent that greatest of all possible grievances, the want of public justice, of which by the measures taken by the assembly of that time, the country was long deprived;—we advised the governor to make use of the powers with which he was unquestionably invested, to open the courts again, and to restore the courts of justice to the oppressed country who had long languish'd thro' the want of it, until they could be otherwise establish'd. Men, unacquainted with affairs of this kind, and who must take their informations from others, may be imposed on by

persons of design, and believe that to be irregular, which in itself is a most wholsom, and necessary act; but we can with assurance affirm, that we had full satisfaction from men of the best abilities, that what we advised and concurred in, in this matter was regular, just, and legal.

“ Upon the whole, may it please the governor, tho’ on the one hand we shall be exceedingly unwilling to have any misunderstanding with the representatives of the people, well knowing it to be an unhappiness that all reasonable measures should be taken to prevent, yet on the other, we shall not by any contrivances be diverted from discharging the trust reposed in us, during our continuance in this station, with honor and justice to the best of our abilities; but from time to time shall offer to the governor such advice as we shall judge most conducive to the general good of the province in the welfare of which we are so nearly concerned in our several private interests; and in the meantime hope we may justly expect to be secured’ from calumny and misrepresentation.”

EDWARD SHIPPEN,	SAMUEL FINNEY
SAMUEL CARPENTER,	WILLIAM TRENT
JOSEPH GROWDON,	CALEB PUSEY
JASPER YEATS,	RICHARD HILL.”

“ Philadelphia }  
April 13, 1709” }

“ With an exception to what is said of offices of profit, tho I enjoy none, as a member of council I sign this.

JAMES LOGAN”

The governor laid this before the assembly, which produced the following address to him, in answer to the councils application.—

“ May it please the governor,

“ The matter of charge mentiond in our address of the ninth of the last month, which some with so much art have



endeavored to draw upon the council in general, contrary to the import of our words, being by our answer of the fifteenth of the last month placed as at first intended, there is nothing remains but to shew how these members of council have been imposed upon, who have been prevailed with to sign that misrepresentation, wherein they are made to suppose that we in a general accusation, involved them in all things that had been irregularly committed (or that any person can think so to have been) we have already shewd how far we extended that which is called a general accusation; so that we hope the council is satisfied that we never intended to involve them in all the irregularities of the late deputy governors administration, or in all things that any person can think to have been irregularly committed by him as is falsely insinuated; for we really think that many of the irregularities which he fell into, not only during the time that he seemd to be under the secretary's strictest direction, but after he shook off that yoke, and acted more like a free agent, are in no wise chargible upon the council in general or upon the secretary in particular—it is readily acknowledged that the circumstances of the members of council are such as should leave no suspicion of their care to have prevented or diverted the miseries and confusions which were brought upon the government under the late administration, but rather engage them to bring the authors and causes thereof to justice, and earnestly seek redress of the public grievances of the province, some of which have been complained of by several of them as well as us; therefore it is the more unaccountable how they could be prevaild upon to declare to the governor, that they have nothing to say to those two particulars mentiond in our address, viz: the one about the late governors shooting at the queens subjects in the time of the false alarm, and wasting the ammunition that then was in the town; and the other about his hostility against the queens subjects, passing by New Castle; we do not think the council advised these things, but we are

credibly informed that the secretary was so far privy to the alarm, that he might have prevented much of the terror and damage which ensued thereon, had he discovered what he knew of that intrigue to the magistrates of the town, and assisted them to put a stop thereto, as the duty of his office and station in the government required; as to the first of those two particulars, wherein the council acknowledge themselves concerned, viz: in advising the treasurer to take his directions from the law alone, we never accounted it a grievance, but complained because he refused to comply with the directions and orders of the assembly warranted by the law that made him treasurer, and directs him to pay the public debts allowed by vote of the house of representatives, upon warrants under the speakers hand; so that the council being in this case, but as a set of private men, had no room by that law to obtrude their advice, much less to encourage the treasurer to disregard the legislative authority lodged in the assembly, and treat the orders of the representatives, w<sup>th</sup> so much indecency as they are made to do;—nor are they to be justified in that they have opposed the late assembly in those points, whereon the then governor seemed to ground his refusal to pass the bill of courts, and at the same time assent to his ordinance, framed for the most part in the very words of that bill, omitting only what would have shewn it to be a transcript of a regular establishment, and leaving room enough, through the absurdities of their piecemeal draught to cast an odium upon the bill, and involve the assembly in all the ill consequences of the ordinance.

“May it please the governor, we find that the late assembly with very much care and application, prepared the said bill of courts, and complied with the then governor in all his proposals of amendments save only some few, which had a tendency to leave the people open to those oppressions and abuses which were complained of, and would have been remedied by the bill; so that the want of public justice,

which the council call the greatest of all possible grievances, has lain at the late governors door; and we think this council were exceedingly to blame (if they thought as they now say, he was unquestionably vested with power to open the courts again) that they had not prevailed with him so to do, rather than leave the country so long to languish, through want of restoring the courts of justice.

"We are heartily sorry that the council were prevailed upon so far to gratify the enemies of the public weal of this province, as to patronize this address, which discovers such an apparent design, as well to possess the governor with an ill opinion of the assembly as to create more divisions and animosities in the government, and engage the council and their representatives in an unhappy controversy, whilst they should apply their endeavors to redress the grievances of the people.

"We could, may it please the governor, make further animadversions on that address, as it seems an indignity offered to this as well as the late assembly; but having a due regard to the public business before us (which we prefer to all other considerations) shall content ourselves with the short hints we have expressed, for the clearing our own and predecessors honest and cordial intentions from the abuses and calumnies endeavored to be cast upon us, and shall no further trouble the governor on this account unless new occasion be given.

"Signed by order of the house N C. D. the fifth of the third month 1709.

DAVID LLOYD speaker."

This being presented to the governor a remonstrance followed from the Assembly complaining of sundry petty grievances, in some of the counties, mixed with some of more importance, several of which seem to have been mistaken, others shew this at least, that the house had been lately so much used to grievances that they scarcely knew how to do without them,—the truth was the speakers



resentments,<sup>f</sup> and the complaisance of the house thereto in some respects cannot be justified, but be their motives what they might, several good things were produced—if matters were sometimes carried to afar, tis perhaps seldom otherwise in controversies of this nature—they are however generally the more excusable, when it can be believed that the public good is principally aimed at.

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<sup>f</sup> The speaker David Lloyd of Chester, by his long and uniform opposition to the measures of government had drawn upon himself the resentments of several of those in administration, at length an order came to the proprietary to exclude him from all offices in the government, he however afterwards for many years bore the office of Chief Justice & died in that station.

## CHAPTER XIII.

### SUMMARY OF DISPUTES BETWEEN GOOKIN AND THE ASSEMBLY ON SEVERAL SUBJECTS.

Having made the remonstrance aforesaid, the house adjourned. At the next meeting the governor told them, That the queen for the good of her subjects of the provinces, had fitted out an expedition with great expence for the retaking Newfoundland, and for the conquest of Canada, and had entrusted colonel Vetch, with letters to the respective governors, and instructions to agree on proper measures for putting her majestys designs in execution,—that Boston, Rhode-Island & Connecticut had out done her expectations, and he hoped they would not be wanting in their duty.

That the quota for this province was one hundred and fifty men, besides officers, to be victualled and paid as those of the other governments, and he supposed the charge would amount to about four thousand pounds.

That it might perhaps seem difficult to raise that number of men in a country where most of the inhabitants were obliged by their principles not to make use of arms; but that if they would raise for support of government the sum demanded, he did not doubt getting the number of men, whose principles allow the use of them, and that commissioners might be appointed for disposal of the money, that the people might be satisfied of its being rightly applied.—

That the present circumstances of the three lower counties call'd for their attention; that they were not now falsely alarm'd;<sup>s</sup> that New Castle seem'd the only place proper to make any defence; that he found the people there ready and willing to do anything in their power for the good of the country; that they look'd on themselves as a frontier to the province, tho' a weak one; that if they perish'd, in

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<sup>s</sup> Alluding to the frolic in Evans's time.

all probability the others destruction would not be far off; that the interest of the whole therefore required them to be furnished with all things necessary to oppose the enemy.

The assembly replied, that the queen had been at a great expence in designs which the governor had mentiond, and were it not that the raising money to hire men to fight (or kill one another) was matter of conscience to them, and against their religious principles, they should not be wanting according to their small ability to contribute to those designs.

That they did not conceive themselves more liable to danger, by the ill-neighborhood of the French at Canada, than those of Maryland, Virginia and the three *Lower* counties, which had made them apprehensive that some disaffected to the province, had misrepresented them to the queen, whose tenderness to them, and their principles, and readiness to render their subjects of all persuasions, easy and happy, engaged them to pray for the long continuance of her glorious reign & administration over them.

That tho' they could not for conscience sake comply with the furnishing the means of such defence, yet in point of gratitude to the queen for her great and many favors to them, they had resolved to raise a present of five hundred pounds, which they humbly hoped the queen would accept as a testimony of their unfeigned loyalty, and thankful acknowledgment for her grace and clemency towards them, and the rest of her subjects; and that tho' the meanness of the present was unworthy her acceptance, it was caused not through want of good will, and loyal affection, but by inability and poverty, occasioned by great losses, late taxes misapplied, lowness of the staple commodities of the country, great damp upon trade, and their neighbours non-compliance with the queens proclamation for reducing the coin; yet they hoped she would regard the hearty and cordial affections of her poor subjects, instead of a present of value; and to prevent misapplication thereof they had agreed it should be accounted part of the queens revenue.



They intreat the governor to put a candid construction upon their proceedings, and to represent them favorably to to the queen.

That if New Castle was in danger, the vigilance of the men of war, allowed by the queen to scour the coasts of those robbers, might probably secure them, so that both they at New Castle and those above who depended on such protection might be the better satisfied.

The governor answerd, that the glory of her majesty's reign had not appeard in any one thing more eminently, than in the excellent improvement she had always made of the vast supplies which her subjects had, with the greatest alacrity raised to answer the public necessities,—that these supplies were no less than one fifth part yearly of all the rents of Great Britain, besides many other duties, all which were readily paid by people of all persuasions, because they knew they were only employd to the advantage of the givers; and yet their losses by sea, and the damps on their trade had been at least as great at home as could be anywhere pretended in her majesty's other dominions.

That he could not without surprize take notice of their neglect in the sum they had mentiond as agreed on to be presented to her majesty upon the valuable opportunity now given them to shew themselves truly dutiful subjects; that words alone were not much valued by the ministry at home, and five hundred pounds from Pennsylvania, would add to them but very little weight—that as to what they said that were it not for raising money to hire men to fight was against their religious principles, they should not be wanting according to their abilities to contribute to the designs in hand; but although they found a scruple in matters of war, no conscience could be pleaded to prevent them from dutifully offering to her majesty, at a time when her public necessities so much craved it, a sum that might become them to give, as well as be in some measure, worthy her majestys acceptance.

That in a time of so hazardous and expensive a war, most countries concern'd in it might have reason to complain of a growing poverty, the general effects of war; yet notwithstanding all the reasons assigned by them would equally reach most other places (the misapplying of taxes only excepted, which he had not yet found any one capable to explain to him)—That he hoped this country had not as yet, the greatest reason of all others to complain: The government was small, but not many as he perceived labored under want in it: *However* if they had but little, a suitable part to give was only required, that if a reasonable assessment of so much in the pound was honestly laid (it need not be believed exceed four pence or six pence at most upon this important occasion) and whatever the peoples estates might be, the tax would then be proportionable and equal to rich and poor; and to make it easier, because money was scarce, it might be sent out in provisions, which the country was now in a better condition to spare.

The Assembly answered,

That they had nothing to object against the excellent improvement the queen had made of the supplies raised by her subjects, which as the governor had remark'd were no less than a fifth part yearly of all the rents of Great Britain. That this consideration renderd the present they intended so very diminutive in his (the governors) estimation that he seemed surprized at their neglect; but they hoped upon better consideration he would be of another opinion.

That the taxes in Great Britain, were upon the profits or incomes, not as here upon the whole estate itself, and that they were apprehensive by a computation of former taxes, twopence, or twopence half penny  $\frac{1}{2}$  pound of the late currency would be the least that could be raised on those three poor counties, to answer the present they intended, with the incident charges, which they took to be as great, or greater tax than had been laid at one time on the subjects of Great Britain in this or the last reign; the

most they had heard of being but one fifth part, or four shillings in the pound, on the rents and incomes, at which rate, one hundred pounds ground rent per annum, paid twenty pounds, but by their method, the same rent valued at twenty years purchase, or two thousand pounds, must pay twenty pounds sixteen shillings and eight pence, which was more than words alone—that how small soever the sum might seem, it was evident it would be heavier on the people here, than it had been at any one time on those mentiond; which they supposed might have excused the smallness of their present with the queen, as coming from one of the meanest and poorest of her colonies.

That they granted most countries concerned in war might in some sence complain of poverty, as the effects of it as well as themselves who had shewn that they urged not that to excuse their want of generosity, but to explain what they meant by misapplying taxes; that about three years ago a tax was laid on the province, of two pence half penny per pound, and an impost and excise on some goods, imported and retailed, which was appropriated to certain uses (viz) eight hundred pounds w<sup>th</sup> half the impost to support government; this the late lieutenant governor received, with other perquisites, which ought to have been applied to the support of government; That the money so appropriated had (notwithstand<sup>s</sup> the express words of the act) been kept or misapplied by him, not only without giving but refusing to give the last assembly any account thereof, which was a sufficient caution to them in the premises—that they thought it material to mention this, to shew that raising money for support of government, had been done already to a very considerable value, & that the same had been paid to Evans, who ought to be responsible for the whole, or so much as had not been applied to defray the proper charges of government.

That they hoped it was easily reconcilable to their duty to the queen, that what they would have presented her, was not so very inconsiderable, as to be little better than



an exemption—that a small handful of poor people as they were could not be expected to do much—that by whatever counsel he, the governor, might have been influenced in refusing their present, it behoved him to consider how far he, (a fellow subject) could interpose between them and their sovereign, and whether it was consistent with his duty to endeavor to bar up their way, and obstruct the queens clemency towards them her poor but truly cordial subjects.

The governor observed to them in answer that the matter he had press'd upon them was in him absolutely necessary in discharge of his duty in consequence of the queens letter, and that he apprehended nothing could be more to their advantage than thus to put them on an effectual way of recommending themselves to her favor—that if they knew a better way of recommending themselves, he would not interpose.

That two pence half penny per pound, as laid here on the value of estates was not at all equivalent to four shillings in the pound on all yearly rents, he thought might be easily made appear, but that if they would lay that assessment, equally and justly, he had reason to believe it would raise a sum that might come nearer the end proposed. That they could not more effectually gratify those who desired a dissolution of the present government, than by not discharging their duty at this important conjuncture.

Upon receiving a message to this effect, the house resolved it their opinion that as the governor had refused to give his assent to their proposals for raising £500 for the queen, and also refused to proceed to other business as it was now so near harvest they would adjourn 'till the harvest was over.

An address was drawn to the governor in consequence of this resolve, who answered that he expected the house would not adjourn any longer than from day to day, till the business recommended to them should be issued.

Upon this a message followed to acquaint him that as he had declared he would not proceed to the consideration

of any other business till an issue was put to his late proposals, it would necessitate the greatest part of the members to give attendance without doing any thing for the service of the country, whilst a bill for that purpose was preparing, that the drawing of the said bill would take a considerable time to effect, and therefore they desired the governor to consent that the house might adjourn for some time (By reason of the harvest) and that they would endeavor to appoint a committee to prepare the said bill in the interval. This the governor then refused but told them he would advise with his council upon it; they adjourned a short time, and then sent another message purporting that if the governor would give them no satisfactory answer to the last written message, but would still press the business he last recommended, of raising two pence half penny per pound, that then they should demand an account of the persons who accused several of their members with being turbulent and seditious persons; that as there was now but a bare quorum of the members, nor likely to be more 'till after harvest, it would be hazardous and not advisable to put the business to the question 'till there was a fuller house. The messengers who went with this answer reported that the governor told them, he would not proceed to any other business till that of the queens was first issued, nor would give the house any satisfaction, concerning the abuse of divers of the members by the said accusation, whereof he formerly acquainted some of the members of the assembly—hereupon they resolved as follows.

Resolved N. C. D. that this house cannot agree to the governors proposals of raising money directly or indirectly for the expedition to Canada for the reasons formerly given.

Resolved N. C. D. that this house do continue their resolution of raising £500 as a present for the queen, and do intend to prepare a bill for that purpose at their next meeting and not before, which they intend shall be on the 15<sup>th</sup> day of August next.

The house now adjourned to the time mention'd, but the governor convened them before, and told them,

That the boldness of their enemies this summer in plundering Lewes, watering in the bay and sounding it as they past along was so remarkable, that it might justly give occasion to apprehend a nearer visit, therefore, if means could not be immediately found to oppose such an attempt with a sufficient force, yet several other things might be done if there was a fund to defray necessary charges upon an emergency, that might in some measure conduce to the greater security; but at present they were so unprovided, that there was not money to pay an express on any occasion.

That the chiefs of several nations of indians being now come in, there was an immediate necessity for a supply to make them a reasonable present. That the importance of keeping a good correspondence with those people upon the easy terms it had hitherto been done in this government required nothing to enforce it.

That half of what they had allowed for this purpose had been expended on messages, and the other half at least, in provisions, so that nothing remained for a present.

That there was no manner of provision for his (the governors) own support, assemblies having too often had an eye in this case upon the proprietary; but his late hard treatment from some he had too far trusted, had utterly disabled him, (were it in itself reasonable) to continue any such provision, therefore it was necessary for them immediately to resolve to contribute what was proper in this point, otherwise they must expect a change that would prove more chargible.

The assembly replied that they were heartily sorry for the losses of their neighbours at Lewes, and if providence should permit the enemy to come nearer, the governor had been already acquainted, how far the generality of the people of the province could oppose such an attempt.

That they were credibly informed the queen, out of her



wonted care for the protection of her subjects in these parts as well as the trade of the bay and river, had orderd one of her men of war, called the *Garland*, lately arrived at Virginia to cruise between their capes and cape Hatteras, and provide a sloop to tend him, so that it might be expected the coast would soon be cleared of those pirates.

That they admired that notwithstanding the great sums lately raised for support of government, they were left so unprovided as the governor had mention'd; that they could not however, without violating their trust, but earnestly request the governors assistance to call the late governor and secretary to account, and that they may not be suffered to depart the province before that was done, and satisfaction made for that money which should have been applied to the use of the public.

That they had agreed that over & above the five hundred pounds lately voted for the queen, there should be raised the sum of three hundred pounds as a fund, to pay for all necessary expresses, and defray some other public charges, whereof the present now made to the indians would be a part.

That they had also agreed to raise two hundred pounds to augment those perquisites that were properly applicable to the governors support, which they freely granted of their *benevolence*, expecting no other returns but his candid constructions of their proceedings and hearty concurrence in redressing the public grievances.

That they once more recommended to his consideration those bills prepared by former assemblys, and agreed to by the present, about eleven, or twelve in number, viz: the bill for establishing courts, and regulating the exorbitant fees of officers, the bill for settling property, empowering religious societies &c. to buy and sell lands; a supplementary act for county levies &c. with the others long since laid before the late lieutenant governor, to all which they desire his concurrence or to know his objections.

The governor in answer told them that he had been

made sensible that a great part of the inhabitants of the province could not in any case bear arms, and therefore had not proposed it to them; and that what he now offerd was that by a necessary supply of money, many things might be done for security without engaging any man against his religious persuasion.

That he was entirely ignorant what orders the commander of the *Garland* had received in relation to this place, but should be glad to be informd by any that know—if her station was certainly what they mentiond, a small expence from the government might render her still more servicable to them.

That he was willing to assist in anything that became his station, but knew not well how to understand what they said respecting colonel Evans, who affirmed he received only what was directly allowed by the assembly for his own support, and thought himself not at all accountable for it, and that the secretary seemed to admire what induced the house to name him upon that occasion, there being none of it payable to him, but for his own services as an officer.

That he found several bills that were sent up to the late lieutenant Governor but not agreed to, of which the principal was the bill of courts; that the proprietary was not at all against establishing courts by a law, yet that he was obliged by his instructions, not to agree to those points in the bill, which broke in, either upon his powers in government, or his just interest, why such a bill should interfere with these, he could not see, but would agree to a bill for the ease & security of the people in that respect properly regulated. He acknowledged the ascertaining of fees necessary and to do it effectually he thought a committee ought to be appointed.

He recommended their reviewing the bills passed by former assemblies, and thankd them for the provision they had made for the Indians, which concluded the sessions.

The assembly met again the next month, when the governor recapitulating the several matters before them unsettled,

recommends them to square their proceedings conformable to the powers he had to oblige them, so that their labors might not be defeated.

The assembly tenacious of their own methods respecting the bill for establishing courts, regulating fees, and other matters adhered to their former claim.

The 28<sup>th</sup> of the month called August, the governor sent them another message on the subject, and adds the following paragraph.

“But now, gentlemen, I must be so plain as to tell you, that tho’ I have been very desirous to see all these matters brought to a ripeness, that they might actually be past into laws, yet, until I see the country as ready to discharge their duty in providing for my support in the administration, independent of any supply from the proprietary, who, as I told you before cannot now (were it even reasonable) spare any part of his estate here to that purpose, I shall account myself very unjust to the duty I owe myself, if I concur in any other public act in legislation (tho’ truly inclinable to do all for the advantage of the public that can reasonably be expected from me) but a governor cannot lie under greater obligation to the people, than they do to him, nor can that be accounted a free gift from them, which is but their indispensable duty, for at this time there is no support for a governor in this government, but what must be granted by an act of assembly. You have told me that you had voted five hundred pounds to the queen, three hundred pounds for the service of the public, and two hundred pounds to me; and you have lately further informd me that when I had passed the other acts, the speaker would present a bill to me for raising that money. ’Tis possible when the others were passed the speaker might do so, but can it in reason be expected that while you shew so unprecedented, and unusual diffidence on your side, that you would not so much as let me see the bill but in private, nor allow that it



should upon any terms, be communicated to the council, with whom I am to advise (tho' you cannot but be sensible, that should I design it, yet it is not in my power to pass a bill into a law, until the speaker has signed it) which is usually done at the time of passing it. Could it be expected, I say, that I should first pass all that you desired of me, and then depend upon your presenting that bill? or can it be thought reasonable, or for the security of the public, that I should pass an act for raising and applying eight hundred pounds to several uses, besides those two hundred pounds said to be granted to me, without taking proper advice upon it of those whom the discharge of my duty as well as my inclination obliges me to consult in all public matters; nor that I should have it in my power to object to, or alter any part of the whole bill after it is presented? No, Gentlemen, as I have no designs but what are plain and honest, so I must expect a suitable treatment; and therefore I now desire you faithfully to lay before the public whom you represent, and to whom you are returning, what I have here said to you; and upon this occasion assure them from me, that unless they take care to grant a requisite support, and in such a manner as is fit to be accepted, I shall not at all think myself concerned to attend the affairs of the public in legislation; and what measures the proprietary will find himself obliged to take at home, I have formerly sufficiently hinted to you; but as I shall not be wanting on my side to concur in anything that is reasonable, so I hope the next time I meet the representatives of the people, we shall have such confidence in each other, and they will so far consider their duty, and take such measures for effecting business that all things necessary may be concluded to our mutual satisfaction for the true advantage and benefit of the province."

Here was a plain declaration of the whole matter—such a reserve unsettled, it signified little to deliberate on lesser points.

## CHAPTER XIV.

THE DISPUTES BETWEEN GOV<sup>r</sup> GOOKIN, AND THE ASSEMBLY CONTINUED.

The 28<sup>th</sup> of September the assembly met again, and sent a message to the following effect,

That having understood to their great dissatisfaction, that the proprietary instructions had so restricted the governor that he could not pass any bill without the advice or approbation of his council, who were under no obligation to attend, and therefore could easily retard business at their pleasure, and unless he would adhere to the directions of the royal charter, which gave him and the representatives the whole power of legislation, much could not be expected.

That they could with great sincerity and satisfaction say they had used the utmost of their endeavors to provide for the support of government, as well as to settle the people in their just rights, regulate the courts, and ascertain the officers fees, as appeared by the several bills lying before the governor, viz: the bill for establishing courts of judicature in the province; an act for regulating and establishing fees; an act for confirming patents and grants; and to prevent lawsuits; an act for empowering religious societies. Towns &c, to buy, hold, and dispose of lands &c. an act of priveledge to a freeman, an act to oblige witnesses to give evidence, and to prevent false-swearing, an act to prevent the sale of ill-tanned leather; an act that no public house or inn within this province be kept without licence; an act against menacing, assault, & battery; an act to prevent disputes which may hereafter arise about the dates of conveyances, and other instruments and writings; a supplementary act for the more effectual raising levies in the several counties in the province, and the city of Philadelphia and appropriating the same; an act for the priority of payment of debts to the inhabitants of this province; that tho' the said bills were

for the most part adapted to the governors mind, and cleared of what was most materially objected, and the supply bill ready to be presented, yet none of them were like to pass without the concurrence of the council, as they were now given to understand. Had they known before that the governor was so restricted, they would not have given him, and themselves the trouble they had done; for that so long as the secretary had so great an ascendant in the council, and a rooted aversion to some of them, they could expect nothing but obstruction at that board, unless he was assured of an equivalent (as some called it) or that the application was first made to him; for that it was too notorious that what had not his inception or allowance did not succeed there.

This, and several other particulars, the house recapitulated as matters of grievance against the secretary, for the great sway he bore on the public affairs, who either conscious of his own innocence respecting an undue influence on the governor (for that he did influence him was generally believed) however, from long and faithful services to the proprietary, he was thoroughly fortified in both his and the governors confidence—he continued to vindicate himself and face the storm with great perseverance, and at length survived it so as to finish his days (after a wise recess from public business for many years) in tranquility.

David Lloyd was again chosen speaker of the assembly of 1709. Gookin among other things in his first message tells them as follows,

“I would not willingly look back upon some of the proceedings of the last house only, from thence I must give you a necessary caution, to dwell less than has been done on that general language of evil counsel or counsellors, generally used as an artful method to strike at the counselled; but with me, I believe, without occasion; or that of grievances and oppressions, words, by Gods blessing, understood by few (I find in the province) who form them not in their



own imaginations; for I assure you gentlemen, if we are not as happy as the circumstances of the place will admit, it lies much in your power to make us so, of which I hope you will consider and use your endeavors accordingly, with a full resolution to remove whatever may stand in the way.

I have already said that I shall not look back to the proceedings of the last house; but the secretary has found himself so much aggrieved by their remonstrances, that he has presented for my perusal a long defence, in which I shall not think myself any farther concerned than to observe to you, that to my surprize he has charged the speaker of that house with some proceedings, which if true, will require your consideration, and some farther measures to be taken upon them; for w<sup>ch</sup> reason, I have orderd him to lay a copy of them before you; and I must say, if that representation be well grounded, I cannot see that under this government, such a person can be accounted fit for that station; but at present I shall no further enquire into it, only recommend to you to proceed with diligence, in whatever is incumbent on you in your stations, as well in this as in all other matters, that may concern the wellfare of the public, and honor of this government as now established."

To this the assembly replied as follows:

"We have with all the application this short time could allow informd ourselves of the proceedings of the late assemblies, and find no just grounds for the governor to suppose that their complaints of evil counsel or counsellors have been used to strike at him; but we believe it was their care, as we find it to be ours, that the governor may not be imposed on, or prevailed with to adhere to evil counsel, and render his actings inconsistent.

"We suppose it needless to be more express than the late assemblies have been, to demonstrate what an enemy the Secretary has been to the welfare of this province, and how abusive he has been to the representatives of the people,

so that we can do no less than repeat the request of former assemblies, to have him removed from the governors council; which we doubt not will be a most effectual means to improve a good understanding between thee and us.

“ If the governor will look back, and duly consider the complaints & remonstrances of the late assemblies, it will appear that *grievances* and *oppressions* are words w<sup>ch</sup> are formd upon just complaints, and for which the country wants redress; so that what the governor supposes on that head, is not candid towards the representatives of the people.

“ May it please the governor, whatever might be the occasion or design of the last clause in thy speech, we are of opinion, it was not well timed, for if the secretarys charge against our speaker had any weight, it should have been propounded as an objection against the assemblys choice of him for speaker—but after thou had declared thy approbation of their choice, that thou should be prevaild upon so far to patronize the secretary’s insinuation against the speaker, as to make it a part of thy speech to us, before we had seen or heard the charge, we can do no less than resent it as an indignity offerd to this house; for tho’ we are men that cannot be much meaner in the governors eye, than we are in our own esteem, yet we must put him in mind, that since the royal charter commits this part of the legislative authority to our care, we ought to have the regard due to our stations.

“ Signed by order of the house N. C. D. October 18. 1709.

DAVID LLOYD, speaker”

The assembly elected in October 1710, chose Richard Hill, speaker.

The governor told them he did not doubt but it was obvious to every ones understanding, why he could not agree with the last assembly, but as he took them to have different sentiments, they might promise themselves that his ready assent to all bills drawn up for the public good, would not be wanting, and that as he had often express’d

his resolution of settling among them he could have no aims contrary to the interest of the people; and recommending them to proceed with their bills cheerfully, not forgetting that for support of government, he concludes with cautioning them to avoid the expence of a long sitting, a practice that former assemblies by giving way to, had left a debt upon the country, that they perhaps would not very willingly discharge.

The assembly thankd him for his good assurances, and say they were pleased with the prospect of his settling among them, and thereby engaging in one common bottom with no other aims but the interest of the people.

In the year 1711, Gookin having received an express from England relating to the expedition against Canada, summoned the assembly to meet him in the summer, and acquainted them that they would see by the queens manifesto, the vast preparations made to go against Canada, and the great forwardness of their northern neighbors, to answer her majestys expectation from them. That he hoped they would not think themselves unconcerned, but cheerfully enable him to raise and support the quota of men assigned this province, or else that they would make an equivalent.

The following were the queens instructions on this occasion.

“ ANNE R.

“ Trusty, and well beloved, we greet you well, whereas we have sent our instructions to our governor of New York and New Jersey, and of the Massachusetts bay, & New Hampshire, relating to an expedition we design to make against the common enemy the French, inhabiting North America. And whereas, we have directed our said governors, and Francis Nicholson Esq. to communicate to you, such part of our said instructions as relates to the province under your command: Our will and pleasure is, that you do in all things conform yourself to the said instructions. And we do hereby direct and command you to be aiding and



assisting in carrying on the said expedition; and in order thereunto, that you do meet our said governors, and the said Francis Nicholson at such place, and at such time, as they shall for that purpose signify unto you; and that you put in execution such things as shall then be resolved to be acted & done on your part, in doing of which we expect you do use the utmost vigor and diligence, and for so doing this shall be your warrant: And so we bid you farewell: Given at our Court at St James's the one and twentieth day of February 1710-11, in the ninth year of our reign.

“By her majesty's command

H. ST. JOHN.”

“To our trusty and well-  
beloved, the governor,  
or lieutenant governor,  
or commander in chief  
for the time being, of  
our province of Penn-  
sylvania in America.”

The assembly thought the province overrated in what was expected from it, especially as they were at a constant charge to preserve the friendship of the Indians, they however voted the sum of two thousand pounds to be raised upon the inhabitants of the province for the queens use.<sup>h</sup>

1712. The October following, Rich<sup>d</sup> Hill was again elected speaker of the assembly;—in the winter governor Gookin told this assembly by message that the proprietary in his letters to him took occasion to shew his desire to serve the people of the province, and left it to themselves to think on the means that might best conduce to their own quiet and interest.

That as to his own particular, he had been above three years engaged in the affairs of the province, and almost as long in it; that what he had received from the public ap-

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<sup>h</sup> The governor passed the bill for that purpose the 10<sup>th</sup> of the 6<sup>th</sup> mo 1711. The said money was raised by a tax of 5<sup>d</sup> per pound, and 20s per head toll.

peard by the acts of the last assembly, which was far short of what the proprietary gave him to expect from the people.

The assembly promised to do something for him, which having brought to bear to mutual satisfaction, they adjourned.

The assembly returned, at the next *Election*, chose Isaac Norris speaker and received the following message.

“GENTLEMEN,

“The proprietary in a late letter to a member of the council has signified his intentions of surrendering the government in a few months, and I have reason to believe I shall not be continued under the crown; therefore I have the less to propose to you, but if you can think how I can serve the public, during the little time I may be in the administration, I shall be very ready to do it.

“What I have to offer is that for the credit of the province, you would take such measures, that the *Two thousand* pounds granted to the queen, may be punctually paid when demanded; and that the debts which the late assemblies have allowed may be honorably discharged, for which it is to be doubted there is no sufficient fund provided.

“And among these, gentlemen, I hope the two hundred and fifty pounds part of the sum granted to me may not be made a postponed debt on the province.

“That the debt, on account of Indian treaties, ought to be forthwith paid, I believe you will allow; as also the necessity of sending these strange Indians now in town away well satisfied.

“They have proposed in behalf of the five nations, to establish a free and open trade between them and us for the future, which I believe will well deserve y<sup>r</sup> encouragement<sup>t</sup>.

“Gentlemen, as the first assembly I met had a regard to the charge of my coming over, so I hope you, gentlemen, who in all probability will be the last I shall meet, will have some consideration of the charge of my going back, since my great end in it, is to wipe off the calumny thrown on me for pass-

ing some acts the people thought necessary, and otherwise, my endeavors to serve the proprietary and the public.

“ Now after all I can hope for, and my administration over, I shall find myself a great loser by coming to Pennsylvania, but this is a melancholly subject at least to me, and I shall wave it, and only wish that every member of this assembly would make my cause his own, and then lay our Saviours great rule to mankind before him.”

The assembly replied that their circumstances required them to adjourn at present, but if he (the Gov<sup>r</sup>) would name the sum necessary for the Indians, they would give it consideration, and if they liked it, would pass a vote for a present supply. Whether that happend or not, does not appear.

The next assembly chose Joseph Growden speaker. To them on the 15<sup>th</sup> of October 1713, Gookin by message set forth:

That the government was not yet surrenderd to the crown, nor was it probable would be for many months; that he was still invested with the proprietary powers, & was ready to make use of them for the welfare of the people in all their reasonable expectations.

That he first recommended to them as he did to the last assembly, that the two thousand pounds granted for the queens use, might be made ready payment when demanded; that the complaints of those persons whose servants were on the expedition to Canada, might be answer'd.

That he took this opportunity to give the country his thanks for the care taken for his support in the administration by the last assembly.

That there was no government in America, where the governor was not in some measure supported in his administration, he therefore hoped they would not make a president in him of the contrary.

The assembly replied that the last house having (as was then presumed) effectually provided for the due collection and payment of the two thousand pounds granted to the



queens use, they should be ready to do what further might appear necessary on their part, when they knew the defects which they desired might be laid before them at their next meeting, when as to the other matters recommended, they would also endeavor to provide adequate remedies, and then adjourned.

The members returned at the next election in October 1714, chose Gookin's old friend David Lloyd, speaker again—they had several sessions together but concluded on nothing material. The governor in the winter 1715, summoned them by the following writ.

1715

“CHARLES GOOKIN ESQ. lieutenant governor of the province of Pennsylvania &c.

“To the sheriff &c.

“Pennsylvania ss.

“Whereas the assembly of this province, having in the month of March last divers matters of the greatest weight and importance before them, which required to be dispatch'd for the public good, and safety of all his majesty's subjects in this government; they the said assembly notwithstanding thought fit without my consent or approbation to adjourn themselves to the latter end of their yearly session, by which means the expectations of all good people, who depended on a suitable provision to be then forthwith made to answer the several exigencies of the government, became entirely disappointed: the great inconveniences of which must still continue unremedied until another assembly be chosen, unless they are called together before the time of their said adjournment. These therefore are (by and with the advice of the council) to require and command you that you forthwith summon all the representatives chosen in your county for the said assembly, that they meet me at Philadelphia the second day of May next to proceed to the dispatch of the said affairs, and such other matters

as I may have occasion to lay before them, and without delay make return of this writ into the secretary's office.

“ Given under my hand and the lesser seal of the said province at Philadelphia the sixteenth day of April, Anno Domini 1715.”

Meeting according to this writ, the governor told them:

That although their affairs would not allow them time when last together to dispatch the important business then before them, yet how consistent their breaking up and adjournment to the end of the year, without his consent or knowledge was with their trust and duty, they had by this time he supposed, had occasion to consider.

That by that adjournment it followed either that the great exigencies of governm<sup>t</sup> must remain unprovided for till another election, or that he must call them again by writ, and that hence he found it necessary in discharge of the trust reposed in him to give them this opportunity of retrieving what before they had otherwise put out of their power.

That the administration of justice by all acknowledged the life of government, had to their reproach as well as great insecurity to his majestys subjects here lain for a long time dead, and a provision for his support, which they must be sensible was justly due to him, both called for a dispatch, which now they were more at leisure, he hoped would be given them.

That the bills prepared for the first of these might be easily accomodated if they would prefer good order and regularity in their proceedings to novelty and untried experiments; that how unfit the methods proposed for the latter would be found, they could not on further reflection, but be sensible that he found it a general complaint of the merchants, that the liquor from which most of the tax must have risen would not after their voyages were made return

the first cost to the adventurers: he therefore hoped they would of themselves be convinced of the necessity there was to take more equal measures.

That he had since his arrival here met with assembly's of very different tempers, w<sup>th</sup> some of which he had not been able to effect any business; such had been the unhappiness of the province in those years: But as they had expressed a hearty zeal for the good of the public, not without some respect to his affairs, he should depend on their care & resolution to dispatch what related to both.

He concludes with putting them in mind that the best of peoples principles is their public actions, when not accountable by any law but that of their consciences and honor.

The assembly in return observe, that their faithful endeavors had not been wanting to promote the public good, according to their trust, as they thought might appear by the bills which they had presented before their last adjournment, tho' at a juncture when their own private affairs suffered by their absence—that therefore there was no just cause for the imputations which seemed to be cast upon them by the governors summons and two written messages, and as to their adjournment it was considered and could not be denied but that they had done what they could in preparing matters for concurrence, which they are well assured would have proved effectual both to answer the exigencies of the province and support of the administration, if he had thought fit to have given his sanction, but contrary to the expectation of the house he had denied the passing of any one bill, unless some particular members of the house would actually become engaged for payment of a certain sum in lieu of what was proposed to be raised for his support: That this gave the assembly ground to suspect there might be some new attempt by persons disaffected to their proceedings to frustrate the same, as was suggested to be the fate of the last assembly by an expectation given the governor of otherwise supplying him with a sum of money on those conditions, which



practices, wherever introduced, as they are inconsistent with an English constitution, could tend to nothing but a confusion and disorder. They therefore thought it better to adjourn to their own private business, and leave the governor to ponder things in his own mind, or further consult his council, or other friends to this government, as he might see occasion, well knowing it was in his power to call them again, whenever he should find himself disposed to act in conjunction with them, and pass the bills into laws, or such of them on which the security and protection of the people of the province so much depended.

The governor replied that the council were unwilling to assist him in answering their message and gave him good reasons for it: that being now alone, he should not take it to pieces, but only observe that what they mention about his requiring security for the money they promised, was spoken jocularly and that so he told the messengers, and forbid them to deliver it as a message, yet they (the assembly) answer it as one, which he could not but say lookd with a very unkind air. That their mentioning a story of money offerd him the last year was of the same nature; it being very well known it was proposed only by one person, and that he w<sup>th</sup> scorn rejected it.

But to come to the matter he was very willing to agree with them in most of the bills proposed for his assent, but that of the impost seemd to be so unequally laid, that he could not clear his conscience of partiality, should he pass it as now drawn up; besides, should the merchants make no opposition to it, it would come very far short of the end they proposed. Therefore he earnestly desired them to take it into their further consideration.

Next followed an address upon another occasion, wherein the assembly tell the governor, that the opening the courts of justice, might have been a means to put a stop to those tumults, which had frequently happend in the city since the beginning of the session, so that their meeting now

might have been to crown their labors with a general satisfaction. But to their great disappointment they understood by credible information, that some of those, who occasioned those tumults in order to annoy an opposite party, were now levelling their malignity against the magistrates of the city & county and endeavoring to prevail with the governor to be of opinion, that there was no power to bring to tryal a person charged by indictment at the kings suit for committing fornication against the kings peace & the law of the province &c.

That fornication and such like offences which in other places might be ecclesiastical connusance were by the laws of the province, made tryable in the quarter sessions; and as their laws were by the royal charter to be inviolably observed, so the governor and magistrates were bound in duty to cause the same to be put in execution; that therefore whosoever did or should assert or endeavor to incence or persuade the governor or any other, that the court of quarter-sessions as by law established, had no cognizance of the said offences, were and should be deemed enemies to the governor and government.

The governor replied that he had immediately endeavored to quell the tumults and hoped with good effect; that the courts were now opened, the administration of justice restored, and if any should appear so audacious as to oppose the magistrates, they should not want his countenance and assistance to suppress the attempt: that he was sorry it should be surmised to the assembly by any, that those who shewed a malignity to the magistracy could have grounds to hope to prevail with him to favor them; on the contrary they should find (if there were any such) that he should exert all the authority with which he was invested to support the proprietary's powers of government, and the magistrates in the execution of the laws and full discharge of their duty. That the commissions not yet issued should be forthwith expedited.

## CHAPTER XV.

THE ASSEMBLYS ADDRESS TO K: GEORGE THE FIRST ON HIS ACCESSION TO THE THRONE—REPRESENTATION OF THE ASSEMBLY TO GOVERNOR GOOKIN—HIS LAST MESSAGE TO THE ASSEMBLY—SIR W<sup>m</sup> KEITH ARRIVES AND TAKES UPON HIM THE GOVERNMENT.

The new assembly of October 1715, chose Joseph Growden their speaker. Queen Ann dying last year this assembly sent the following address to king George, on his accession to the throne.

“TO GEORGE KING OF GREAT BRITAIN &C.

“The humble address of the representatives of all the freemen of the province of Pennsylvania in assembly met, the first day of the Month called May 1716.

“GRACIOUS SOVEREIGN,

“Tho by divers concurring causes & particularly the great indisposition of our proprietary and governor in chief of this province, we have been hitherto to our great trouble prevented the opportunity of expressing to the king our sincere joy for his happy and peaceable accession to the throne of his ancestors, and thereby securing to all his protestant subjects, the full enjoyment of their religious and civil rights; yet none could be more sensible of the great blessing nor express a warmer zeal for his service in their earlier approaches than at all times since has filled our thankful breasts; and altho’ we had not the desired advantage of expressing these our sentiments, yet we became the easier under that disappointment by accounting the majority of this province included in that general application made by their friends at London, in behalf of the whole community, wherein our thoughts, with their own were most truly represented.

“Such has been the kings goodness, not only expressed in his first generous royal declaration, and repeatedly since from the throne, but more powerfully exerted through a



most wise and steady administration in pursuing ev'ry measure that might contribute to the safety and happiness of his people; in making the known laws the invariable rule of his government; in restoring the honor to the British nation abroad, & in procuring for his subjects such advantages in commerce, as could scarce be hoped for, after they had been so unhappily given away that even the remotest part of the kings great dominion feel the benign influences of his paternal affection to the whole, and are laid under double obligations to make the utmost returns of gratitude as well as obedience for their happiness, under his auspicious reign.

“It is therefore the more surprising that there should be any of the *British* race within that Island so lost to all sense of their own interest as well as their engaged duty to a prince of the most conspicuous and consummate virtues, as to express the least uneasy murmurs much less to rise in an open, and unnatural rebellion; for the suppression of which, by the great wisdom and vigilance of the king and his ministry, and faithfulness of his servants, we do with hearts full of the sincerest gratitude and joy, return our most humble acknowledgements to the fountain of infinite goodness & mercy, that has so eminently appeared in the support of the royal throne, established on the lasting foundation of justice, to the confusion of all the detestable machinations vainly formed against it.

“As for us, our known principles are so essentially interwoven with the protestant interest of Great Britain and our greatest concerns do so entirely depend on the preservation of thy person and royal issue long to reign over us, that we cannot possibly separate our own welfare from the indispensable duty of shewing ourselves with the most hearty affection, thy loyal and most obedient subjects.

“That confusion and disappointment may attend all the wicked devices of thy enemies; that the minds of thy people may be composed, and universally inspired with the same spirit of love and obedience as that wherewith we now approach thy throne; and that the watchful providence of

Almighty God may always attend the King and confirm the wisdom and justice of his rightful government over us, is the most sincere and unfeigned desire of the kings humble and dutiful subjects.

“Signed by order of the house N. C. D.

“JOSEPH GROWDON Speaker.”

At the usual meeting of the new members returned in October 1716, Richard Hill was chosen speaker. In the next month this assembly made the following representation to the governor. [Here take in Votes 2<sup>d</sup> vol: p. 200.]

The following winter governor Gookin made his last message as follows.

“GENTLEMEN,

“I am very glad of this opportunity of meeting the representatives of the people, that I may take my leave of them, for I am well assured that I shall soon be superceded; for the little time that I am to be with you I shall be ready to do the country all the service I can.

“I must therefore once more recommend to your consideration, what I laid before the assembly of last year, and what I have mentiond sometimes to you.

“You may be now your own carvers, & you will not think me unreasonable in my expectations when I tell you, that as the first assembly I met with, had a regard to the charge of my coming over, so you, gentlemen, who are to be the last, will I hope in some measure provide for my going back to seek another employm<sup>t</sup>.

“I intended to have said more to you on this subject, but the thought of what I left to serve M<sup>r</sup> Penn in this province, the disappointment I have met with, and the uncertainty of being provided for at home, so fill my mind, that you will excuse me that I say no more.”

Sir William Keith arriving in a few months after, brought with him a commission to supercede Gookin.

## CHAPTER XVI.

### AN ACCOUNT OF THE MENONISTS, AND SWENCKFELDERS.

1717. Some instances are given before of the Dutch or Germans coming very early to settle in Pennsylvania, after it was so named; those that then arrived were comparatively not many, and there did not any considerable numbers follow for several years, but of later times they have flocked in at almost an incredible rate, so that great quantities of the back lands in Pennsylvania and New Jersey are settled w<sup>th</sup> them—they have as to the general, hitherto proved themselves an industrious, frugal and thriving people. Those who go under those names in this province, have among them many different professions of religion, perhaps of all sorts—there are several sects remarkable in some particulars, especially for a great simplicity of manners; of these some account, will not perhaps be unacceptable, and first,

#### OF THE MENONISTS.

The people believe that from the times of the apostles, there has ever existed a congregation, holding the same articles of faith with them, but that this congregation has been so oppressed by different persecutions, that not much of their writings have appeared in public, because they were looked upon by the church of Rome as heretics, some of their writings have however been found among the Romans, as appears from an ancient Roman writer, in the time of the Waldenses, about the year 1200; whose works were published by the Jesuits themselves, and wherein the author *Remarius*<sup>i</sup> says—that they the Waldenses were the most antient sect because they had existed eversince the time of Sylvester, others say since the time of the Apostles.

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<sup>i</sup> See his works, Inglestadt edit: Chap VIII p: 54



About the year 1540 some members of this congregation were taken prisoners, by Turks in Moravia, and as slaves carried to Thessalonia, making an acquaintance w<sup>th</sup> the Christians there they disclosed to them that they had bretheren in Moravia: The Thessalonians sending three of their Bretheren into Moravia, they arrived in a town called Nicholasburg, on the frontiers of Moravia; they took their lodging with a priest, and enquiring after the first mentiond bretheren, the priest took the three with him into a coach to Pansrom to the Hulterians, where they treated together in Latin, on the articles of their faith, but about three of them, they could not agree, which occasiond their parting sorrowfully. After this, the priest brought them to a congregation of Switzers, who had been imprisoned for nine years in the castle of Passau in Bavaria; with these the three bretheren argued over the articles of their faith in the Latin tongue, John Peck arguing chiefly on behalf of the Switzers, when they came to understand one another, they agreed very well on all points, which occasioned joy on both sides, and they acknowledged one another for bretheren and as a pledge took what they called the Lords supper together. The three thereupon declared them to be of the true congregation, at the same time acquainting them, that those of Thessalonia had continued unchangable in their faith from the time of the Apostles to that day, and that they still kept in safe custody, the epistles which the apostle Paul had wrote to them.

Thus we see they date from the church at Thessalonia, to which the apostle Paul wrote. They say, they have also an account that to this day, there are bretheren and christians at Thessalonia, who in all points of religion and consequently in the article of Baptism, agree with the Mennonists, and that likewise among the rest of Christians, many of their bretheren live dispersed here and there—in Ethiopia, Greece and other Eastern countries;—they say also, that the above three Thessalonians left behind them a confession of faith,

which is still extant, containing sixteen articles, of these we will mention some here. 1<sup>st</sup> of God, they confess one only God; Father, Son and Holy Ghost, 2<sup>d</sup> of Baptism, they confess a baptism into faith, and no infant baptism. 3<sup>d</sup> they confess a eucharist to be kept with common bread and wine in remembrance of the sufferings and death of Christ. 4<sup>th</sup> of marriage, they profess a wedlock of two believing persons, and no exterior marriage ceremony by punishment of excommunications &c. 5<sup>th</sup> of the taking of oaths, they confess that no christian may take an oath, or in his evidence go beyond yea and nay, though he has the truth for him, but must rather choose to die. 6<sup>th</sup> of bearing arms. No christian must in any wise withstand with arms, or take to the sword.

They say this congregation has always from the beginning insisted upon the confession above, with other articles, even from the time of the apostles, and that they could never be drove to part from them, but rather underwent death, which they add, hath been frequently their case as witness the ten severe persecutions 'till 310 years after Christ, that afterwards they were from time to time renewed till the year 1300, that in particular in the year 1210 was a terrible one, wherein great numbers were killed, principally in Europe, because they did not allow of infant baptism but would be baptized into their faith in their own mode. For refusing to take the oath and bear arms, and for adhering to other articles of their faith, for which they suffered such heavy persecutions that they were reduced to but a small number, 'till the time of the reformation, when from the year 1520 to 1530, they began to flourish again to the no small mortification of the Romish clergy, who gave them the name of Annabaptists and used their endeavors first by persuasion to draw them over, but they continuing inflexible, they at length raised a terrible persecution throughout all the *Emperors* dominions, on which followed the punishments of banishing—imprisonments—fire—water—sword

and gallows, but all their instrum<sup>ts</sup> of torture were not able to conquer them; They remaining constantly confessing their tenets, and professing their willingness to suffer rather than part with them. That this persecution began in the year 1524 and continued about one hundred years, a few instances out of hundreds may here suffice.

The 6<sup>th</sup> of December 1529, the congregation in Austria, surprized by a general accompanied by his executioners, the mob came upon them as they were gathered to their worship at Hemborn, and taking men, women, children, women with child, and sick people to the number of 150, carried them to the castle of Falkenstein, where they remained prisoners above five weeks, and then ninety of them chained two and two together by the hands were carried to the galleys. That in 1529 the count Palatine in a short time executed near 350 of them by fire and sword in the country about Alsom, besides inflicting corporal punishment on abundance more, such as cutting off their fingers, burning them with a cross on their foreheads, and other butcheries. That in 17<sup>th</sup> Century this persecution ceased pretty much especially in the Netherlands, for the Uplanders, and particularly the Switzers continued to persecute upwards of an hundred years longer namely from 1600 to 1700 and near ten or fifteen years more, however they did not kill many, though that in September 1614 one of their teachers were beheaded at Inrich, and not long after one Haslebacker at Bern. That for a long time after this sergeants were sent in quest of them, to take them to prison, where, obliged to suffer want and hunger, many of them were starved to death. That in 1670 sixteen of them were chained together, and sent to the galleys, and at the same time others were whipped and banished the country, branded with the mark of a bear (the arms of the canton) one of whom was grandfather to the person who gave the account that about the year 1710 a whole bargefull of these prisoners were carried down the Rhine to be transported beyond sea.



But coming to Holland the government of that republic declared they would have no such prisoners in their country, and set them at liberty.

That many of them gathered themselves in divers German provinces as the palatinate, and thereabouts, where on condition of paying a great tribute, they obtained an exemption from taking oaths, from bearing arms and having their children baptized, and gained the liberty of upholding public worship in their own way, but that for all this they met with many troubles in regard to the exercise of their consciences, being in time of war, obliged to lodge in their houses wicked crews of soldiers, this, and other grievances they groaned under, often wishing to be in some country where they could be entirely rid of these things. In time a way was opened for their removal to Pennsylvania, William Penn both in person and by letters published in Germany first gave them the knowledge that there was liberty of conscience in Pennsylvania, and that every one might live there without molestation; some of them about the year 1698, others in 1706, others in 1709, and others again in 1711 partly for conscience sake, and partly for temporal gain resolved to go thither, and upon their arrival found their expectations fully answered, enjoying liberty of conscience according to their desire together with the benefits of a plentiful country; of this, they sent word to their friends in Germany, a great many of whom in the year 1717 came over hither.

The Menonists are settled chiefly near Lancaster in Pennsylvania, they are a sober industrious people, in general of good economy and good morals. The articles of faith respecting oaths and war I give in the words of one of them.

ART: XIV. Since we think it most highly necessary to keep the commandments of Christ, we allow by no means of no manner of an oath; because Christ has forbid it, saying, I say unto you swear not at all, neither by heaven, for it is Gods throne; nor by the earth, for it is his footstool;

neither by Jerusalem, for it is the city of the great king; neither shall thou swear by thy head, because thou canst not make one hair white or black; but let your communication be yea yea; nay, nay; for whatsoever is more than these cometh of evil.—This point we confess ought to be kept inviolably, and that the truth, and the things which are yea, must be attested by yea; and what is nay, by nay; and if any one is found false herein, he may very well be punished as a liar and perjurer. For this reason we also think and are entirely of opinion, that the evidence and yea and nay as well in all dealings and conversations as in all courts and states, both temporal and spiritual, ought to be well considered, and not abused, for God hath in the beginning, in witness of the truth, made use of and established the word yea; and Christ has restored and reinforced it unto us, that yea should be yea; and this point is of such weight with us that in no wise we would exceed yea and nay on any evidence if even we were to sustain great loss by it in goods or in blood; and we find that this has been observed by Christians from days of yore.

ART: XV. Concerning war and vengeance, either by sword or any other weapon, we think it unlawful and that no arms are to be used neither against friends or foes in no wise, for Christ is gone before us like a lamb, without any vengeance, and he bids us follow him, When his disciples wanted to call for vengeance on their enemies, Jesus said unto them, Know ye not what manner of spirit ye are of. He likewise said unto his disciples ye have heard that it hath been said, an eye for an eye and a tooth for a tooth, but I say unto you, that resist not evil, &c.—ye have heard that it hath been said, thou shall love thy neighbor, and hate thine enemy; but I say unto you love your enemies, &c.—and when Jesus was taken prisoner, Peter drew his sword, and struck a servant of the high priest, and smote off his ear; but Jesus said unto his disciple, put up again thy sword into his place; for all they that take the sword shall perish with the

sword, and he healed the servants, as his enemy's ear. When he hung on the cross in great sufferings and agonies, he prayed for his enemies—father, forgive them for they know not what they do. Thus Christ not only commanded his disciples not to resist the evil, but also himself as a lamb, quite armless and harmless is gone before us, and is still calling upon us to follow him as unarmed sheep and lambs. This likewise the apostles have taught, and shewn to in their lives and conversations: and the same way we profess to this day, namely not to avenge ourselves on anybody neither for good nor blood; but rather with Christ to suffer revenge on good and blood. Here much more may be added, if it was not to avoid being too tedious.

#### OF THE SWENCKFELDERS.

Those who bear the name of Swenckfelders in Pennsylvania are called so from one Caspar Schwenckfeld of Ossing, who at the time of the reformation in the 16<sup>th</sup> Century was a teacher of note. He was born in Silesia, and of a noble birth.<sup>k</sup> The sect he gathered was from the begining tolerated under several of the Roman emperors, in their archdukedom of Silesia, especially in the principalities of Tauer and Lignitz for about two hundred years successively, tho' not without envy of the Romish clergy in several other places who instigated some of the inferior magistrates and occasioned them to afflict them with many troubles, which in and about the years 1590 & 1650, amounted to what they thought a severe persecution:—after that they enjoyd peace 'till the reign of the late emperor Charles VI: At the end of the year 1719, a missionary out of the college of the Jesuits was sent to them in order to persuade and convert them to the Roman Catholic religion, who continued to use his endeavors to gain them for about six years, during which time they were soliciting the *Emperor* for a further toleration, but tho' their petitions were always favorably accepted by the

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<sup>k</sup> *Vid:* Godfried Arnolds Hist. of the Church.



emperor in person, the clergy and their instruments plied him with so many objections that it could never be obtained in his country, wherefore the most of them after frequent citations appearing before the regency, arrests and imprisonments, heavy fines and penalties, threats and menaces, taking away their children to catechize and instruct them in the Roman catholic doctrine, constituting Roman catholic executors for the widows, and guardians for orphans, and many other hard proceedings found themselves obliged to leave their real estates and habitations behind & make an emigration to some other country, and obtaining a place of shelter in upper Lusatia in Saxony, under the senate of Gorlitz, as also under count Zinzendorff they enjoyed the same contrary to their expectation for the space of eight years, after which their toleration being withdrawn a certain time was appointed for them to depart; they enquiring to find a place of safety under some of the Protestant Princes and counts of Germany, either would not obtain it or dared not venture their protection, imagining that the same would be of no duration, and besides were in fear concerning the military exercise, and having luckily gained intelligence some time before of the province of Pennsylvania, and of the fame of its liberties and priveledges, they thought this a fit time to try the success of an enterprise thither, and accordingly having the advice and assistance of some good friends in Holland, they resolved upon the attempt. Some of them came over in the year 1733 but the greatest number in 1734 and some families afterwards, here they found what they wanted, full liberty of conscience and many other desirable things not to be had where they came from.

They hold and profess with regard to the article of swearing:

That whereas the son of God in his humiliation by his sufferings, death and bloodshed has fulfilled the law and erected a new covenant; and amongst other instructions which are described by his holy evangelists especially

Matthew, Cap: V. VI. VII. has given a doctrine to his disciples, and together w<sup>th</sup> them to all his followers and partakers of the new covenant, how to behave himself in the new covenant, and he there Cap: V. v. 34. commands them to swear not at all, tho' it had been ordained to swear in the time of the old covenant, only they should not forswear themselves and should perform their oaths. Wherefore do we hold that in the new covenant in consequence of the doctrine of Christ a faithful christian shall not only not swear at all, but also that he shall have a firm will never to speak any untruth; and what is demanded of him to promise, shall do it with deliberation, lest he should promise what he is neither able, nor willing to perform, unto which doctrine of Christ the apostle St James Cap. V v. 12 also gives a consistent doctrine and exhortation.

Of the article of bearing arms:

Hereof do we also hold & confess, even in consequence of the foregoing, after that Christ hath fulfilled the law, and erected a new covenant and his kingdom and he in his doctrine, Matthew V. v. 38, 39, commanded his disciples and faithful followers and subjects of his kingdom, that they shall not resist evil, wherefore we do hold, that the bearing and use of arms does not appertain to the new covenant and the kingdom of Christ forasmuch also St Paul: Rom: XII. v. 18, 21, giveth a consistent *Doctrine* and information. According to that an obedient disciple of Christ finds himself entirely obliged by virtue of such doctrine and command, as also according to his inward feeling, not at all to make use of any such armours; nor in any forcing manner suffer himself thereto to be employd, yet with this, we would not be understood, as if we would reject or abrogate the laudable state and office of the magistrate and the due obedience thereof. For we do believe and confess with St Paul, that the same is ordained of God and that every soul shall be subject thereunto Rom. XIII v: 1. 7 Tit: III. v: 1. Item, as St Peter writes, submit yourselves to every ordinance

of man for the Lords sake &c. I Pet: I. v 13, 14. But only in things not striving against God and his commandm<sup>ts</sup> after Acts: IV. v. 19. Cap: V. v. 29. which we also do hold of the use of arms, and desire to be understood after the same manner.

The carrying on the wars that were ordaind of God in the old Covenant by Joshua and the children of Israel do we take for a figure of the spiritual wars and victories over the enemies of the Lords people in the new covenant; as also the remains of the seven nations in the land of Canaan, with whom God did exercise and prove his people, we look on a figure of the remaining sins in the flesh of the believers and partakers of the covenant in the kingdom of Christ, Rom: VII. v. 18. & *sequ*: as with whom they have to fight and whereon they will be exercised.<sup>1</sup> as also S<sup>t</sup> Paul Ephes: 6, describes such spiritual wrestling very distinctly and emphatically together with the arms to be used thereby.

These People are charged in the 20<sup>th</sup> *Edict*: of Chamberlain's present state of England, with the neglect of the use of *the word*, meaning the scriptures, and also the use of those called the sacraments—the first charge they deny as utterly untrue, as to the second they say their forbearance therein hath not, nor doth happen out of contempt but merely out of consciencious motives to the contrary. They are also charged with undertaking to determine the precise year in which the day of judgment should happen, but this they deny as neither believed nor asserted either by their ancestors or them. Their founder Schwenckfeldius is likewise charged with sundry things which they say will appear not true to any one that will be at the pains to search the *Theological* works left by him.

The following is a translation of the king of Prussia's edict to recall these people into his dominions.

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<sup>1</sup> *Vide Originem in Homil: 12 et 15 super Josuam.*



## EDICT.

Concerning the reestablishment and collocation of the so called Schwenkfeldians in Silesia and other provinces of his royal majesty:

*De dato Seelowitz the 8<sup>th</sup> day of March 1742:*

WE FREDERICK by the grace of God, king of Prussia, Marck-grave of Brandenburg, archchamberlain and elector of the holy Roman empire &c. &c. &c.

Be it known to all to whom these presents may come: whereas we do hold nothing to be more contrary to nature, reason and the principles of the Christian religion, than the forcing of the subjects consciences, and to persecute them about any or other dissenting doctrines which do not concern the fundamental principles of the Christian religion: so we have most graciously resolved, the so called Swenkfeldians who were exiled out of an imprudent zeal of religion to the irreparable damage of the commerce and country, again to recall them into our sovereign dutchy of Nether-Silesia. We have therefore thought fit to assure all those by these presents, who confess themselves to the said doctrine, upon our royal word, that they shall and may safely return not only into our sovereign Dutchy of Nether-Silesia, but also into all our provinces, peaceable to live and trade there: since we not only do receive them into our special protection but also will give them all necessary supply for the promotion of their Commerce; and to all them, who several years ago, were deprived of their habitations and effects in our country of Silesia, in case they are not paid for by the new possessors, shall be restored without any reward. Such as will settle in our villages shall Farms have assigned them, and care be taken to meet with good employment, and them that will fix their abode in towns, shall besides several ordinary free years have places assigned them gratis to the building of their houses, for which purpose they only need to apply to our military and domainen

chambers. We do therefore command our superior colleges of justice and finance, as also all mediate primes, lords, magistrates &c., carefully to observe the same. In witness whereof, we have signed this present edict with our hand and caused our royal seal to be affixed.

Done at Seelowitz

March 8<sup>th</sup> 1742

FREDERICK OF CONEY

Count of MUNCHAN

L.S.

This edict is a strong testimony of the usefulness of the Schwenckfeldians as subjects, those of them in Pennsylvania, inhabit about.\*

They are an industrious frugal people of exemplary morals and of a general good character.

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\* A space left here. Ed.

## CHAPTER XVII.

OF THE DUNKARDS OR DUMPLERS. AND OF THE MORAVIANS.

OF THE GERMAN BAPTISTS COMMONLY KNOWN BY THE NAME OF DUNKARDS  
OR DUMPLERS.

Some of these people came over to Pennsylvania in the year 1719, others in 1729, and others afterward, they hold it not becoming a follower of Jesus Christ to bear arms or fight since their true Master has forbid his disciples *to resist evil* and because he has also told them not to swear at all, they will by no means take an oath, but stick in this respect close to his advice to affirm with yea what is yea, and by nay what is nay. As to their origin they will allow of no other than that which was made by Jesus himself, when he was baptized of John in Jordan. They have a great esteem for the New Testament valuing it higher than all other books, and if they are asked about the articles of their faith, they know of no other than what is contained in this book, and therefore can give none. They declare that the most ancient among them have been awaken'd here and there in Europe from their profound sleep of sin, by the voice of God in and about the year 1705, that being a time of many awakenings in that part of the world, that being then quickend by the light of Christ to a sense of their degenerate evil condition, they began to see a reformation necessary, many of them being taught by the Calvinists from their youth out of the Heydelberg confession, had given them high notions of the purity that ought to be in those who were converted to God, with the sense of their own evil condition, and considerations in consequence of it they began to see that the ministers themselves were not yet converted, and tho' they were freely admitted to the communion table, they say they observed them to be a covetous people, and often worse. For these reasons, they determined



to depart from under their tuition, and daily searching the holy scriptures, after the practices of the first and best Christians, they became in time to have a particular gift of prayer, after they could no longer say the prayers which before they had learned by heart, they went in the *Fields* and prayed by themselves and when they met together bowed their knees in fellowship, praying and prophesying as they thought the spirit gave them utterance.

After some time the Clergy began to oppose them, but to little effect, and at length growing inveterate, excited the Magistrates to persecute them, which occasioned their being banished from many places of their former abode, and made them choose an Assylum in a few places where they had liberty of meeting without being disturbed, to wit Schwarzenau in the county of Witgensteen and Creyfeld in the dutchy of Cleves belonging to the king of Prussia, in which two places, they gathered themselves together from many parts, namely Switzerland, Strasbourg, out of the Palatinate, from Silesia, the dutchy of Wertemberg, Saxony, from Hall, Harburg and many other places besides. Some indeed were allowed for a while to keep undisturbed meetings at the Ronneburg and Old Castle in the county of Buddingen and at Marienborn in the county of Usenburg where they had taken refuge, but at last were also at different times persecuted there, and obliged to flee from thence and join their bretheren, some at Schwarzenau, others at Creyfeld.

Having chose the new testament for their rule or Canon, eight persons among them met to endeavor to agree upon and establish the right use of exteriors in religion at Schwarzenau aforesaid, and agreed that in conformity to the example of their true master, they should amongst other things establish baptism by way of immersion or plunging in water as that was the meaning in the original Greek in the place, which does not signify to sprinkle or pour water upon any one but to dip or immerse him into the water, as

also most agreeable to the comparison the apostle Paul makes Rom: v. 7. where he calls *Baptism a burying*; in consequence of this conclusion, in the year 1708 they were baptized into the water, that to these eight persons a number was soon added here, & there, and wherever they went, they were calld baptists. The learned sometimes endeavored to controvert this point with them, but were, they say, obliged to acknowledge that the first Christians had been baptized in this manner, but alledged the climate, as being in warm eastern countries, and that in the cold northern parts of the world, it was not advisable because it might impair peoples health, to which they replied that Christ had ordered his gospel to be preached not only in warm but also in cold climates without any exception at all, that it is no where found that in cold countries he would have people only to be sprinkled.

That the scripture says, all things are possible to him that believes, if therefore people believe their being dipped in cold water upon such faith would not hurt them, that in this belief they had been powerfully strengthened, and that many occasions had afforded them so many instances of Gods power in preserving those who in simplicity of heart keep to his command, that in the midst of winter they have sometimes cleared the water by cutting off the thick *Ice*, and baptized without any hurt—nay, women that were brought up so delicate that they could not bear to wet their feet, without being made sick by it, when through faith in the Lord Jesus, they had suffered themselves to be quite immersed into the water it has not only not hurt them, but been a means for their recovery from bad states of health, of which they give the following as an instance. There lived on the banks of the Rhine an ancient matron, who had been sick for a considerable time, in such a manner that all hopes for her recovery and life were vanished, as well with herself as those who attended her. This woman desired to be baptized, but her friends endeavored to dissuade the baptist from it,

telling him that she would doubtless die in the water, whereupon the baptist asked her whether she had faith, that this might yet be done to her. She replied, *Yea I have, and was I to die in the water, I will be baptized*, upon this, two healthy persons took her between them, and carried her to the large river Rhine, the baptist immersed her into the water in the name of the Father, of the Son, and of the Holy Ghost, and she was whole, from that very same hour and no need of any bodys leading her, but went before them all, and coming home, served them.

Thus much for baptism. They hold what they call the eucharist, in commemoration of the sufferings of Christ at night, as they say, Christ himself kept it, washing at the same time one anothers feet, agreeable to his example, and command. They meet together to worship on the first day of the week, in confidence of his promise, who said *where two or three are gathered together in my name, there am I in the midst of them*.

They have from time to time sufferd a great deal in Europe, not only been banished from their native country, but often, and in many places fettered and imprisoned—they have been put to the wheelbarrows, and as prisoners made to work at the *Fortifications*. One of them was pilloried in the city of Bazil in Switzerland; another was made a galley slave and obliged to row with an iron about his neck like the convicts with whom he work'd. Six of them were imprisoned at and near Dusseldorp in the lower palatinate for four years together, and obliged to work at the fortifications for a long time. They were sometimes visited by the clergy who endeavored to draw them from their confessions, and make them return to their religion, which they had forsaken, but their labor was in vain; they were then condemned as stubborn and incorrigible, and threatned with death, which being told them in prison, one of them for himself and the rest, wrote the following farewel letter to their bretheren.



“ In Jesus our sole and eternal arch-shepherd, high priest and king, who sits at the right hand of the majesty of God, and intercedes for us, highly blessed and praised forever and ever, Hallelujah.

“ Dearly beloved bretheren and sisters:

“ I and my dear bretheren, who are my fellow prisoners in the lord, salute you all very heartily, and all those that are co-partners in our small share of afflictions; praying and wishing before God, that by his spirit you may likewise be made partakers of the joys which out of the fullness of the grace of Jesus are imparted to us. It is impossible for me to describe with this pen the great love of God our father in our crucified & risen Jesus, which by his holy spirit he is pouring out into our hearts, which makes us praise the cross of Christ with thanksgivings, and call it our delight and joy; and the love of Jesus obliges us the more through faith in him to approve ourselves as the servants of God in much patience in afflictions, in necessities, in distresses, in stripes, in imprisonments, in tumults, in labors, in watchings, in fastings, by pureness, by knowledge, by long sufferings, by kindness, by the Holy Ghost, by the armor of righteousness, on the right hand and on the left, by honor and dishonor, by evil report and good report: as deceivers and yet true, as unknown and yet wellknown, as dying and behold, we live, as chastened and not killed, as sorrowful yet always rejoicing, as poor yet making many rich, as having nothing, and yet possessing all things. For we experience daily that it is not sufficient only to know, to speak or to write much of the ways of God, but that we must also learn to know Jesus in spirit and in truth, and the power of his sufferings. I wish nothing more than to be transformed into the image of the son of God in his sufferings, and to be planted with him in that likeness of his death, for which I, and my dear bretheren and fellow prisoners are daily preparing, and account ourselves as sheep for the slaughter, expecting soon to be counted worthy to be made a sacrifice

of; and though indeed we are anxious about this matter, yet our hearts are often in the midst of our anxiety filled with joy and comfort, so that we might flow in tears; and perceive frequently a desire after this crown of martyrdom; we wish to depart & to be with the lord Jesus, I look upon such a death, no otherwise than life, a door through which we pass into eternal Joy, going out of all sufferings into everlasting glory, but this is our grand concern, dear brethren, that we may not only endure faithful until death; but also, being sensible our depravity and the impurity both of body and spirit, which in a great measure we carry yet within us, that before our departure hence, we might be well cleansed and washed in the blood of the lamb. Ah! do not cease to pray for us, that we may be well purged and purified of the corruption and poison of all sin, that is so deeply rooted within us; by all reports it will not be long before some of us must have finished their course. O! help us therefore with conjoint forces—struggle and fight for the precious truth of the gospel of Christ, that by no means any one of us may depart from it, but that we soon, yea, very soon obtain the end of our belief, to wit, the salvation of our souls, when men are endeavoring to embitter death unto me, by telling me how severely they will deal with us, then, at one time, the inexpressible joy and glory that is to follow, upon a moments suffering represents itself to me. Another time, when they try to frighten me with the terrors of Death, I consider what an exceeding great loss I should sustain, if I was to fear those that can only kill the body; and that I must expect such a woe, which would make me wish not to be born; because if in anything I was to give way, I should not only sin against my own soul, but many souls would be offended by it; these considerations urge me more and more to the performance of my promises in the covenant of baptism, namely, to remain faithful in the salutary doctrine until death; another thing which moves me patiently to endure all sufferings, (tho' far from wishing

it to be the case) is when I consider what those who now afflict and oppress us will have to undergo in the lake burning with fire and brimstone, in case they do not repent: for they will never be able to find out such terrible torments to inflict on us, as will be prepared for them by the dreadful wrath of God; but my fervent prayers, my dear bretheren, are not only for you, and all Sion that the Lord may build her; but I am likewise pressed to pray with my tears for mine enemies, because it is in blindness and ignorance that they persecute and afflict us, and although their intentions are bad, yet they must be instruments to work out and effect our salvation, wherefore we ought not to hate, but with all our hearts have compassion with, and love them, interceding continually for them with God, that he may not lay this sin to their charge to eternity, but grant them repentance here.

“Now dear Bretheren and fellow warriors, in the Lord, be strong in the Lord, and in the power of his strength, put on the helmet of God, and fight with the invincible armor of Jesus Christ for his doctrine and the precious faith, which we have obtained with you in that righteousness which our God gives and our saviour Jesus Christ, and do not turn from that which Jesus has commanded you, neither to the right, nor to the left, which is also our firm resolution for the love of God has tied our hearts with such ties, which death itself will not be able to dissolve. Nevertheless I frequently feel my poverty, and that I am nothing and can do nothing, and in my weakness I am often as one that is dead and not able to move or stir, but then also the help and power of God is near at hand. O! how wonderful, just, true and holy, yea how glorious are his ways! I am often astonished at the great mercy, faith, fullness and love which he shews to me and the bretheren, my fellow prisoners here in our confinement, since the good which he bestows upon our souls is not by the persuasion or intercession of them, but by his mere grace, therefore, dear copartners in our slight imprisonment and afflic-



tions, praise and thank ye also with us, the father of all mercies and Jesus Christ who has abundantly comforted us here with the living comfort of his spirit and still continues to let his love flow into our hearts like a living spring, to the end that thanks may be rendered unto our God by many souls through Jesus Christ, Amen.

“Dear bretheren and sisters in the Lord, if our beloved heavenly father has likewise ordered, and decreed it so, in his eternal council as our magistrates think to deal with us, and as the case seems to go on in court, we shall hardly see one anothers faces any more here in this world, nor perhaps write any further to one another: wherefore I and the bretheren, my fellow prisoners will take our leave of you, commending you to the God of peace, who has brought again from the dead, that great shepherd of the sheep, our Lord Jesus Christ thro’ the blood of the everlasting covenant. He will also raise us up in the resurrection of the just, when we shall meet again, and see one another in everlasting and unspeakable joy and glory, and where we shall stand before the throne of God and the Lamb, with all those that are come out of great tribulations, where God will dwell among and rule over us, and where he will wipe off all tears from our eyes, Amen! We recommend you to the grace of God, I and the bretheren, my fellow prisoners, greet and kiss you many times in the spirit—salute ye also all friends, and such as are copartners in our imprisonment and afflictions.

“Your fellow warrior in our Lord Jesus Christ, until death

“JOHN HOBACK”

“Dusseldorp, at the new fortifi- }  
cation works May 1, 1717” }

Instead of being executed, they were afterwards sentenced to the Wheelbarrows and hard labor at the fortifications, and for this purpose sent to Juliers, where as convicts they were obliged to work ’till the year 1721, when they obtained their liberty.

During the confinement of those just mentioned, many went over to Pennsylvania, those who staid behind in Germany are said to have been many times badly treated, robbed and imprisoned. Once sixteen of them at a religious meeting at a brothers house near the castle of Hartenbury, on the mountain Rutemburg, surrounded by a serjeant and his men, were bound two and two together, and so carried to Hartenbury castle, where a large sum of money was demanded of them, and not having so much about them, they were obliged to deliver what they had; the brother at whose house they were, was drove from house and home, and went afterwards to Schwarzenau, soon after this some of them were put in prison at Dusseldorp, through the cunning of a treacherous clergyman called Ruebel who pretending he should be glad of a friendly interview with those people, persuaded a simple man to bring them in good confidence to him, but as they were come there, the priest sent for a clerk, who took down what upon examination by the clergyman they declared about the baptism of infants, going to church, taking of oaths &c, and when everything was set down he said *now, you Heretics, get you gone out of the country, as fast as you can, or you will be told of something else.* They left him, but the same night were taken, and by his contrivance as they thought, confined for seven weeks, till the Father confessor of the old elector, a discreet catholic, heard in what an unfair manner they had been trapanned, spoke with the elector about the affair, who sent orders to release them. This imprisonment was in the year 1703, during those persecutions the king of Prussia had granted a general liberty of conscience, but his press-gangs or soldiers on recruiting parties, vexed them sorely several times. One John Fisher from Hall, who had been baptized, they would force against his conscience to list in the kings service, and tormented him terribly for ten days together, different ways, because he would not comply with their wills, they tied his hands and feet together and by them hung him up,

thrusting and beating him with sticks and pricking his body with pins to such a degree that his shirt became stiff with blood, and when he was quite faint and could stand no longer on his legs, they put him near a deep water and he tumbling into it, they pulled him out again by his legs, but at last when they had tired themselves with tormenting of him, and he still refusing to swear to the colours and take arms, they threw him into a hole, where the prince of Dessan happening himself to come by, and seeing him in such a sad condition told them to let him go, for he had suffered his torment.

Those of the Dumplers who had made Schwarzenau in the county of Witganstein (a very poor country, where people are put hard to it for a livelihood) their place of refuge, went from thence to Friesland, where some of them died, and the rest, some after five, others after nine years abode there, did almost all of them come over to Pennsylvania the latter in the year 1729, but those who had fixed their residence at Creyfeld for the most part came over in the year 1719, the few that were left came to Pennsylvania in 1733. When at first these people were banished from their homes and relations, and obliged to emigrate, some to one place, others to another, the goods and effects of some were taken from them, but to others part were left which afterwards served them to live upon, and when it was consumed, some of them commemorate that in great poverty they frequently experienced the special providence of God, but since they could never gain strength enough in Europe to eat their own bread, although in Holland good friends were moved to assist them and actually did shew them great love, they were continually longing for a place, where by the blessing of God, they might be able to maintain themselves by the labor of their hands, and to pass the rest of their time in perfect liberty of conscience, which nowhere in Europe they could enjoy together. In their native country they had not full liberty of conscience, nor in Holland,



besides there, many could not maintain themselves but were helped by others, which made them all come over by degrees, except some few, who are still at Creyfeld in Friesland.

Since they have been here they have considerably increased in numbers and wealth, and have enjoyed a complete liberty of conscience, and been able both to maintain themselves and their own poor. They are a quiet inoffensive people, they dress with a three square or round white cloth or linen cap on the head, something in the form of a bonnet, and a loose garment of the same colour hanging over them—they wear their beards, have a solemn steady pace when they walk and keep strait forward with their eyes fixed on the ground and turn not to give an answer. They are mostly settled at and near a town called by them Ephratah, within about fifteen miles of Lancaster, their burying place they call the valley of Achor, at Ephratah they live on a common stock composed of the fruits of all their labor, and the gifts of any that join them, they eat no meat, drink no wine, nor use tobacco, nor sleep on beds as others do, the single men and women live in different apartments, and those belonging to each apartment meet every two hours night and day to join in prayers.

OF THE FRATRUM UNITATIS, OR UNITED BRETHEREN, COMMONLY  
CALLED MORAVIANS:

Their first emigration from Moravia was with a view of going to Pennsylvania for the sake of an uninterrupted enjoyment of civil and religious priveledges, but having found a place of retreat in upper Lusatia, in a way they thought conducive to the benefit of their souls. It happened some time after, that is, in the year 1733, that the colony of Georgia became the subject of discourse in Holland, this induced the ordinary of the bretheren, count Zinzendorff to enter into a correspondence with the then English resident at Copenhagen upon that head: The result was, that the bretheren concluded to send some companies of their

people thither, accordingly, they made agreement with the trustees, amongst other things to be exempted from taking an oath, and bearing arms, but afterwards perceiving that this gave some umbrage to persons from whom they did not expect it, they resolved to pursue their former intentions, and go into Pennsylvania which they accordingly did in the years 1739 & 1740, and applying themselves to husbandry they have since made considerable settlements in Pennsylvania, especially in the forks of Delaware, at places by them named Bethlehem, Nazareth, Guadenthal, Friedenshal and elsewhere. They have from time to time received new succours from Europe, and are not increased to a considerable number.

They have besides for the benefit of Indians under their tuition, taken up a piece of land behind the blue mountains on the Mahony, and there built an Indian town called Guadenhutten. They have also made improvements both in New York governm<sup>t</sup> and New Jersey, and the latter end of the year 1753, they began a settlement on the river Dan which empties itself into Roanoke in North Carolina.

They date their religion from the first establishment of true religion in the world, in general terms: They do not pretend to any warrantable account of their origin, having as they imagine the fate of most other constitutions, that is, to be left in uncertainty, but that their congregation flourished in the 15<sup>th</sup> century at Litz, i.e. fifty years before the reformation, and was then a Selavonian congregation, which sprung from the old Bulgarian Christians. That George Podiebrad, regent of Bohemia, who they say, partly from his own motion and love, and partly at the intercession of the archbishop of Prague, being in the like circumstances with him, establish'd at Litz, on the borders of Bohemia a congregation to serve God in quietness and peace, without being so easy a prey to the catholick, to whom the king and primate of the realm were outwardly gone over, this they did, so much the rather, as those bretheren differed from the

Taborites in the principle of defending religion by force of arms, professing prayer in spiritual things to be the best weapon of christians against their enemies.

They originally consisted of scattered Bohemians and Moravians, but the Waldenses, as they imagine, taking refuge amongst them, learnt their language and in a while became lost in their nation;<sup>m</sup>—that gaining ground, they became a people considerable enough to be denominated a national (or more properly a general, for it consisted of subjects under several distinct princes) church:—that they fought protection and gained settlements in Poland, England, Prussia, Wertemburg and Saxony. Poland by degrees became their chief residence, those who differed from them in some things became united with them. In England, the Walloons, Germans, nay, all foreign protestants, were disposed by Edward the sixth, under their bishop John ALasco, as superintendant of all foreign protestants, and they say, that that, called the church of Augustin Fryars, a great temple in form of the national worship houses not far from St Pauls in London was given them, which the low Dutch, ever since the time that John ALasco with his adherents in queen Marys reign returned to Poland, have had the possession of by the different settlements of this nation in Poland, England, and other nations, it becoming too tedious to distinguish them by the several names of Bohemian, Moravian, Polish, Hallian, Wallonian, and German, for about two hundred years past, they have thought proper to comprehend all those divisions, under the general name of *Fratrum Unitatis* or united bretheren. By this name they were acknowledged by Great Britain in the years 1737 & 1749,<sup>n</sup> also by Denmark in 1735 & 1745, by Saxony in 1737 & 1750; by the elector of Brandenburg in 1737; by Sweden in 1741; and by Wartemberg 1747. They acknowledge the Bible to be their only rule “in the most simple sense and in every respect,

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<sup>m</sup> We see the Menonists and they, both lay claim to the Waldenses.

<sup>n</sup> In this year they received a general toleration by act of parliament.



and that so perfectly that while disputants are solicitous to seek and find, or make that sense there which they have heard, the bretheren receive all according to the letter, nay, all that is written therein is truth to them, even that part which is looked upon by others as contradictory without being first explained.”<sup>o</sup>

As to their method of preaching in public, “The antient bretheren (say they<sup>p</sup>) abounded much in scriptural expressions, but chiefly dwelt upon Christ and the congregation together, some few in later times followed the first method, whose expressions likewise are, without all doubt, so purely scriptural, that in every paragraph, the words of the Holy-Ghost might be referred to, but it was no universal practice. On the other hand, all the more recent agree in preaching Lamb, Blood and Congregation at once, and not one without the other, the ordinary excepted, who professedly preaches the bridegroom, leaving for the most part *the bride* to the description of others.”

The society or bretheren make a fund as occasions require having none settled in common, in which it is a rule that every congregation should contribute according to its ability, and if this fails, on any emergency, their board of advisory which consists of representatives from all parts of the world, helps out what is wanting. They impose taxes for certain small affairs, as for their box of candles in the common hall, for the well, for the watchman, and such little necessary expences; they have no fixed method for the care of their poor, but have hitherto so managed it as to take care of them among themselves. Their widows are provided for in what they call their choir houses.<sup>q</sup> Their orphans are provided for in the *disciples* house. Their aged if they are

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<sup>o</sup> Compendious Manual, by way of information *defacto* for bretheren who travel, printed in the bretheren's house at London 1753.

<sup>p</sup> Ibid.

<sup>q</sup> These are houses built on purpose to take care of children, young men, young women, widowers and widows, but, there is a poor box for families.

poor, and no widowers or widows (for in that case they belong to their respective choir houses) then their families are dealt with as other poor are, and if private persons give any assistance, it is not to be mentioned, for the left hand is not to know what the right does. If any strangers go among them, they have what they call the *congregation inn*, for such as are wealthy who are to pay, except they have friends among them, in which case they take care of them, other strangers are divided among the congregation families or accommodated in the choir houses. The society give their people orders to behave in common life void of all singularity, and to be an honest people in the hearts of all men, but they say their people are apt to carry their heartiness too far, which sometimes occasions such failures as nobody is able to excuse, but one who knows them thoroughly, as to inheritances, they follow the hereditary succession as it is in the law of Moses, except in cases where the laws of the realm where they live make it otherwise, and except the debts of the deceased are neglected to be paid, in which case the wife is the husbands heir and the child the mothers and *vice versa*. The ordinary used formerly to alter the legal course of inheritances more than he does now, but an attempt being made to disinherit a person on the score of being a brother, hath since made him more cautious in that respect; their handicrafts men, are mostly in companies, over which is a master who is a kind of little magistrate to take care that none stand in each others way, that none want work, and that every one makes their work good in kind, and he also sets the respective prices thereon.

Under these are petty masters who cut out the work for the workmen, or direct it and pay them by the piece, the journeymen work usually in the choir houses, whither the masters, bring their work to them. Their apprentices are bound at what is called their monthly tradesmens conference, and in the presence of the congregation committee for outward affairs, after a boy has been at least three months

upon tryal. It is common amongst them, and an established rule, that their bishops, teachers, seniors political, and the rulers of the respective choirs, should on the second and fifth days in every week, wash the feet of all that they call the Lords supper, bretheren and sisters, "First a suitable discourse is kept, then certain collects composed from John 13<sup>th</sup> are sung, during which the priests go round and absolve the people by imposition of hands, and in the mean time the feet washers fetch their vessels, if not already there. Then about twelve in number go in one line and begin and end at the same time, the usual collect for the feet washing being sung at every division." <sup>r</sup> For the propagation of the gospel among nations which never heard it, they say they have undertaken within these twenty years, two expeditions to the east, seven to the south, and southeast, three to the northeast, nine to the west and northwest, two to the southwest; in all twenty five having crossed the seas backwards and forwards about a thousand times, and employed near three hundred persons, betwixt 80 and 100 of whom have died in the service.

"Marriage (says the Compendious Manual before referred to) are of two sorts, the whole civil matrimonial regulation as practised in the civilized world, both in its entrance and continuance is still in force among them, from whence the notions of the adversaries concerning pilgrim and common marriages may possibly have arose, but as this is a pure flight of imagination, so the matter according to the true state of the case is thus, the quite extraordinary liberty of conscience which is no where so absolutely true, as in our congregations, prevents all enquiry *a priori* into matrimonial affairs, and all private intimations to any in this case, except they are seriously disquieted, & from true concern ask advice about it. The principles left us by Jesus and Paul of christian marriage are regularly inculcated, and

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<sup>r</sup> Compendious Manual.



in speaking upon them are reduced to practice so near, that a half solid understanding may easily attain enough both for heart and body:—but as to our young people, those born and brought up amongst us, they being like white paper will to be sure rather chuse to be directed immediately and at the begining in a quite Bible and Jesus-like manner, than for want of solid instruction and nursing be brought into the right track by circular and many hurtful ways, therefore we must suppose that no young prince and princess can be treated with more circumspection and regard in the same circumstances, than every country boy and girl, who among us step out of their choirs into the marriage state.

“236, Are they lotted together?”

“No—never, this cannot be acknowledged as fact in any point of view whatsoever, but yet there were people who asserted it; the case, in this respect is this, either such people have told downright lies, or supposed it to be so, because they had all their days heard it so reported, or they have made two cases extraordinary, the rule, the first of which is this, viz: that two persons were desirous to marry one woman, and afterwards put it upon this issue, that he should have the preference upon whom that office should fall on the side of the bretheren which she had amongst the sisters—and as the congregation could not determine as to the preference, so to avoid evil consequences, it was thought proper to draw the lot with respect to the office.

“The other case was that a labourer, and at the same time a young man of consideration had an inclination to marry a truly well qualified person, but of a different rank from him,—the ordinary indeed is of opinion that when two

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\* The Compendious Manual from which this article is taken consists of near 300 questions, proposed and answered in the manner of this:—their ordinary owns the book by a note at the latter end, dated 20 Sept<sup>r</sup> 1753 & acknowledges the whole to be his work, 'tis much too long to be introduced here, otherwise there are answers to a number of questions equally significant.

ranks are only among the lower class of people, such a punctillio is quite ridiculous, and therefore not at all to be countenanced in our congregations, but as first our congregation in general takes care to match like with like, lest the supposed more worthy person be discomposed and ashamed of his mate, and the inferior person be drawn out of her beneficial mediocrity into a silly pride, which we look upon as a real misfortune, and secondly that this case might decide other such before they happened, so it was tried by lott whether the consideration of a persons suitableness to the purpose for which she was desired as a help mate, ought to outweigh the consideration of a man of the low class of citizens under-matching himself with a farmers daughter, and the lott decided that such like scrupulosity is of no manner of signification."

Thus much may suffice of the Moravians who are not more singular in some of their doctrines than in many of their practices. Their history were it practicable to give it in all its revolutions and particularities would make a volume of a large size—all the accounts they have hitherto thought fit to publish of themselves, are in part unintelligible, and it is neither fair nor safe to take the accounts of their adversaries, they appear to be mostly such, who have hitherto wrote about them. By the stat. 22 Geo. 2. C. 30. encouragement is given them to settle in the plantations in America, by allowing them to take a solemn affirmation in lieu of an oath, and dispensing with being concerned in military affairs, on payment of a rate assessed.

## CHAPTER XVIII.

SIR WILLIAM KEITH'S FIRST SPEECH TO THE ASSEMBLY—THEIR ADDRESS TO HIM—SUBSTANCE OF OTHERS AT A SUCCEEDING SESSION—THE JOINT REPRESENTATION OF GOVERNOR & ASSEMBLY TO THE KING ON THE SUBJECT OF THE AFFIRMATION—KEITH'S SPEECH AT THE CONCLUSION OF THAT ASSEMBLY—DEATH OF THE PROPRIETARY WILLIAM PENN.

Sir William Keith first met the assembly of Pennsylvania in the summer 1717 and made the following speech:

“Mr. speaker, and gentlemen of the assembly.

“Being informed upon my arrival here, that the season of harvest then at hand, could not well permit you to meet me in your respective capacity until that busy time be over, I did out of a tender regard to your interests, then delay the satisfaction I still propose to myself in meeting with this present assembly, and I will always endeavor to make the time you must necessarily bestow on the public service as easy and pleasant to yourselves as I hope it will be profitable and satisfactory to the country in general.

“If an affectionate desire to oblige and serve the people of this province can qualify me in their good opinions for the station wherein I am now placed, I may then expect that the Countrys and the governors interest will be so effectually established upon one bottom, as that he who truly wishes well to either cannot but find himself engaged to serve both; and you, yourselves may easily infer the warmth of my inclinations towards the service and prosperity of this country.

“First from the expensive application last year by which I carefully introduced to his royal highness the prince of Wales, then regent, the humble address of the assembly of this province to the king, in such manner as freely to obtain his royal highnesses most gracious assurance that the people called Quakers were a body of loyal subjects for



whom the king had a great regard, that his highness was sorry the king was not then present to receive so good an address himself; but that the Quakers might at all times depend on his highnesses good will to serve them in anything they had to ask of his royal father.

“Then the diligence wherewith I obtained at a considerable charge, the commission of governor without any other certain prospect or advantage, but only that I should be thereby enabled more effectually to serve you.

“And lastly, by the great fatigue I have undergone since my arrival here, that no opportunity might be slip’t to encourage virtue and promote the general good of your country, but these considerations are trifles compared with the indispensable obligation that is of necessity upon you to support the dignity and authority of this government, by such a reasonable and discreet establishment as the nature of the thing and your own generosity will direct.

“And whatsoever you shall think fit to do in that kind, pray let it no longer bear the undeserved and reproachful name of a burthen upon the people, but rather let your governor be enabled to relieve the country from real burthens, by putting it in his power to direct a better economy and more frugal management of such taxes as would answer the uses for which they are intended, if not squanderd by the barefaced partiality and unprofitable expence of the officers appointed to assess and collect the same.

“Gentlemen, I doubt not but you will take the first opportunity under a new administration to examine the state of your laws in order to revive some that are obsolete or expired, and to make such alterations and additions as shall be found necessary for perfecting the constitution and good order of government in this province.

“For that end I am on my part ready to concur with you in every thing which you can possibly desire or expect from a governor, who conscientiously intends to observe and steadily resolves to pursue the duty of his office.”

The assemblys address:

“ May it please the governor,

“ We gladly embrace this (first) opportunity to congratulate the governors happy and safe arrival to us with an eye to that good providence which preserved him and his family from pirates who at that time much infested our coast, some of whom (as we are informed) waited with hopes of his falling into their hands.

“ This house maturely considering the governors speech, find ourselves obliged in duty to make grateful acknowledgements for the governors tender regard to the interest of the public.

“ The governors affectionate desire to oblige and serve the people of this province doth and shall meet with dutiful returns in all matters that come before us; and this house will continue all in their power to preserve the interest of the governor and people upon one bottom.

“ And as we must acknowledge the people of this province to stand highly obliged to the governors application and care in presenting to the prince, then regent, the humble address of the assembly of this province so we gladly take this occasion to confess the warmth of our hearts in loyalty, duty and affection to the king and royal family and entreat the governor upon all occasions, as he may have opportunity, so to represent us.

“ We cannot but express the pleasure and great satisfaction of this house in that the proprietary hath been pleased to place and his majesty to approve of so worthy a gentleman in commission over us, and hope our behaviour and that of all the people of this province, will always be such as may preserve the good inclinations of the governor to serve the country, and instance whereof we have in the fatiguing journeys he hath taken in the late hot season, to promote the good of those under his government.

“ As the governor was pleased to defer calling us for the

sake of harvest, so we crave leave to observe to him that seed time being just at hand will be a great inconveniency to many of the members to stay long at this season, so that we do not undertake at this sitting to enter upon an examination of our laws or any business that will require length of time, but depending upon the governors resolves and good intentions to oblige the people by concurring with anything they can reasonably desire for their service.

“We on our parts being fully satisfied in our duty of supporting as far as in us lies the dignity and authority of this government have at this time voted *Nem: Con:* that the sum of *five hundred pounds* shall be given to the governor & paid out of the first public money that shall arise by any means in the treasury; & to make it more certain, are now preparing a bill, which will be offered the governor for augmenting the public stock.”

“Mr. Speaker & gentlemen of the assembly

“I received a very affectionate address from your house for which I heartily thank you; and the generous acknowledgement you have been pleased to make of my late endeavors to serve this country cannot but greatly encourage me diligently to carry on the same service in all its parts.

“Your dutiful expressions of loyalty and affection to the king and royal family shall be carefully represented by me to his majesty and his servants in the ministry, and while the spirit of unanimity, and so amiable a temper with respect to government is continued and preserved amongst you, I will take upon me to say that you may be firmly assured of the kings favorable countenance and gracious condescension in all your applications to the throne.

“Gentlemen, since you have observed to me, that it will be inconvenient for you to enter upon any business now, which may detain you from your urgent affairs at this time in the country, I cannot but condescend that you make



such an adjournment as you think will best suit with the season of the year, for I shall still have a great regard to the opinion as well as to the advantage and ease of so good an assembly.

“6<sup>th</sup> mo: 24<sup>th</sup>”

The members returned from the usual election in October 1717; chose William Trent speaker. Sir William Keith opened the session by informing them—That after the good acquaintance that even in a short time he hoped he had lately made with many of their constituents, it was with great cheerfulness he left all other business and hastened to meet them in assembly at the usual time appointed by the laws of the province.

That they need not doubt of his readiness to concur with them in all reasonable things, either for the ease and contentment of the peoples minds or the better security of their estates.

That besides what would naturally and in course come under their consideration in reviewing the laws of the province, he must recommend to them in particular, not to lose any time in securing themselves and all the people of the colony from the inconveniences which might possibly arise by the unlimited number of foreigners, that without any licence from the king or leave of the government had been transported hither of late, and to provide some discreet regulation to allay the apprehensions they were under of great numbers which he was informed were daily to be expected from Europe.

That he had hitherto heartily endeavored to convince everybody of his readiness to undertake anything which might contribute to the peace, prosperity, and safety of the province, but that it would depend on them to strengthen his hands so as that he might be enabled to do it effectually. “And if (says he) supporting the just authority of your governors character as well as the honor and rank of this

province amongst its neighbors does perhaps create a little more charge than has been usual of late years still you may be assured it will be attended with proportionable advantages to the public welfare; and with this agreeable reflection that above two thirds of what you give for the support of government will be expended and laid out amongst your own people."

The assembly in their address said, that the coming in of so many foreigners rested upon them with great concern, and the more for that they had no licence from the king to transport themselves here, and the royal charter seemed to be against them unless they were denizis'd or at least come under the proper tests that should legally distinguish them from his majesty's enemies.

Therefore they desired that the governor would favor them with his sentiments in the premises, and either appoint a committee of council to join a committee of the house or otherwise, as he shall think fit, to concert proper methods for removing the jealousies already raised in the minds of the inhabitants concerning these foreigners; as also to prevent the inconveniences which might attend their settlement in one place, or promiscuously among the Indians.

That they hoped to do their parts toward supporting the authority of the governor as became them. That the governor well understanding the nature of the laws the province wanted, they hoped he would so far facilitate their undertakings as to give them his thoughts upon such of them, as might want to be methodized so as to answer his character, who was to give them a sanction here, and recommend *them* to his majesty as a well meaning people, desiring no pre-eminence, but that those to whom the royal charter which erected this a government had a peculiar regard, might be enabled to act in such stations as they could best serve the public, and merit the lasting character of being loyal subjects to the king, dutiful to the governor, and just to the people.

Keith replied as follows:

“ Mr. Speaker, and gentlemen of the assembly—

“ I heartily thank you for the regard which you have expressed toward me in your address: and since you are pleased to think that my purpose, and intentions to serve the people of this province merit your thankful acknowledgments, I gratefully accept them, not without hope that real services performed will in time beget your friendship and esteem.

“ I very well approve the motion of appointing a committee of Council to confer with a committee of your house upon the foreigners lately transported hither, but I, having wrote fully to the secretary of state upon that affair in order to obtain his majesty's commands therein, perhaps you will be of opinion to delay the further prosecution of the matter until we can have some advice from England.

“ I am as much at a loss as you are to know whether the laws passed here since his majesty's accession to the throne; have been yet presented at home, and approved of, or not; but having lately taken the pains to read over the body of your laws as they are printed here, there seems to be great occasion for it, and I cannot but highly commend your resolutions to revise & amend them.

“ I am not ignorant that you have very able and good men amongst yourselves some of which are eminently well qualified for such a work, but as there is not any one thing in government, about which we ought to be more careful than that of composing laws, I shall very readily contribute my assistance, and not forget the obliging manner in which you have desired me.

“ The declaration of your unanimous resolutions and desire to serve the country and to support the authority of government, seems to be very seasonable at this time, and a steady prosecution with temper and unanimity, of those great and good purposes cannot fail of establishing peace, honor, and justice among you.

“ Gentlemen, I shall be ready to communicate what fur-



ther may be necessary according as you desire it, or as the daily proceedings of your house may possibly direct it."

In the spring 1718, Sir William Keith proposed to join with the house in the following address to the king, to which, with an exception to the style, they acceded, and the same was accordingly forwarded.

"To the kings most excellent majesty. The humble address and representation of the governor and general assembly of your majestys province of Pennsylvania, met at Philadelphia the                      Day of May 1718.

"Most gracious sovereign,

"We your majestys most dutiful and loyal subjects and servants, being filled with a grateful and just sense of that tender care and concern, which your majesty has on every occasion been pleased to express for the peace and prosperity of all your people do with profound humility and submission presume to address your sacred majesty in behalf of your majestys good subjects the people of this province, whom we have the honor at this time to represent in a legislative capacity.

"May it therefore please your majesty to know, that in the year 1681 this colony was settled by a considerable number of English subjects, called Quakers, under the care, encouragement, and direction of William Penn Esq<sup>r</sup> our proprietary and governor in chief.

"That the persecution which in those days prevailed against protestant dissenters in England was the principal motive and reason, why the first settlers of this country removed their estates and families hither, where they might quietly and peaceably enjoy that innocent liberty of conscience which they conceived to be every mans natural right.

"That by the unwearied application, industry and expence of the inhabitants, this colony is now increased to a very considerable body of people, whereof the majority continue to remain in the society of friends called Quakers.

“That such being the peculiar and distinguishing circumstance of this, from any other colony under his majesties dominions in America, the offices of government must of necessity be supplied, and the powers executed by those of the Quakers persuasion, intermixed with such others as are to be found here in the communion of the church of England, and good protestant subjects well affected to your majesty and your government.

“That the happy influence of your majesty’s most equal and just administration every where, has perfectly united our hearts and minds to contribute our utmost endeavors for carrying on the business of the government of this province, in such manner as may be most agreeable and acceptable to your majesty and your ministry at home.

“That for this end we have labored more especially of late to regulate the proceedings in our courts of judicature, as near as possibly could be done to the constitution and practice of the laws of England.

“That from many years experience we are not only convinced that the solemn affirmation allowed in Great Britain to the people called Quakers, doth in all respects and in every case here answer the legal and essential purposes of an oath, but also the growing condition of this colony which brings great numbers of people yearly from Europe to reside amongst us.

“The multitude of pirates abroad, and other loose vagrant people who are daily crowding in to shelter themselves under the peaceable administration of this government and the absolute necessity there is to punish such as shall dare to oppose and break through the known laws of society and humanity, lays us under the greatest obligations with security to our own lives, as well as to the just maintenance of your majestys royal authority over us, not to reject or despise the solemn affirmation allowed to the Quakers, without which, we humbly beg leave to assure your majesty, judges, juries nor evidences sufficient could ever yet be found here in the most criminal and notorious cases.

“That formerly it having been found unpracticable to keep and preserve the public peace within this government, any other way than by admitting the solemn affirmation in all cases whatsoever to have the same force and effect in law as an oath, upon a representation thereof to the Board of Trade, the late Queen Ann, by an order in council dated the 21st day of January 1702-3, was pleased to direct in the alternative, viz: ‘That all persons acting in any judicial or other offices within this province of Pennsylvania, and three lower counties upon Delaware, should be obliged to take an oath, or in lieu thereof, the solemn affirmation allowed in England to the people called Quakers and that in all their public, and judicial proceedings, the said judges and officers shall be obliged to administer the oaths appointed by law or the said attestation.’

“That the Quakers in general, having approved themselves to be an industrious and quiet people, most heartily attach’d unto your majesty’s royal person and government, your loyal subjects of that persuasion in this province do humbly hope that your majesty will vouchsafe to indulge their tender consciences in the case of oaths, with the same freedom that has been granted to them by your royal predecessors, and thereby we shall effectually be enabled to perform our respective duties in preserving your majesty’s peace within the jurisdiction of this province, and to inforce the just regard and obedience due unto your royal authority as becomes, may it please your majesty, your majestys most loyal, most faithful and most obedient subjects and servants.”

Keith’s speech at the conclusion of this assembly will give an idea of their transactions.

“Mr. speaker, and gentlemen of the assembly.

“The valuable and wholesome laws which have been composed with so much care by your diligent application, and



the great temper and perfect unanimity, wherewith the public affairs have been carried through all the parts of the administration of this government for these twelve months last past, must doubtless by this time have convinced all the men of reason amongst us of the many and great advantages that such a harmony secures to the commonweal.

“You may be assured it will always be matter of conscience, as well as duty with me, to promote the general good and interest of this province to the utmost of my capacity everywhere; and I hope the public advantage of my being sufficiently enabled to perform that service will more and more, daily appear both to yourselves, and your constituents.

“Gentlemen, I cannot but consider the great confidence you have placed in my opinion and conduct, as a most sincere mark of your affection to me, and my hearty endeavors shall not be wanting to answer all your just expectations but having ground to expect that you will give me another opportunity of meeting you here again, as soon as the season of harvest now at hand, will conveniently permit, I shall refer what I have further to say until that time, it being my desire to make the public service as much consistent with all your other affairs, and thereby easy to yourselves as possibly can be contrived.”

In this year after a long indisposition, died at Rusheomb, near Twyford in Buckinghamshire, aged about 74 years, William Penn, Proprietor & Governor of Pennsylvania. His literary works and the Province of Pennsylvania will remain the lasting Monuments of his value.

## CHAPTER XIX.

SPEECHES & MESSAGES BETWEEN SIR W<sup>m</sup> KEITH AND THE ASSEMBLIES IN THE YEARS 1718 AND 1719. HE ESTABLISHES A COURT OF CHANCERY—HIS PROCLAMATION FOR THAT PURPOSE.

At the annual Election in Pennsylvania in October 1718, a new assembly being returned, they chose Jonathan Dickenson Speaker<sup>t</sup> on whom the Governor bestow'd his approbation in the following liberal terms.

“ Mr. Speaker,

“ The modesty and candor of your deportment for many years, in public business has at this time in the two most eminent Stations<sup>u</sup> justly determined the choice both of the city and country in general, and this flourishing city in particular, upon you, Sir.

“ And from this begining I promise myself that by your prudent example they will at last be persuaded heartily to unite in all such matters as plainly tend to the honor & advantage of this province.

“ Gentlemen, I know it is usual with you to adjourn yourselves for a short time at this season; so that I shall not trouble you further now, but refer such matters as I have to lay before you until you can more conveniently meet to sit upon Business.

The news having arrived of the long expected Death of the Proprietary, Keith, at the sessions in the winter, open'd the matter to the assembly as follows:

“ Mr. Speaker, & Gentlemen of the Assembly,

“ The melancholly news of the proprietary's Death would have obliged me to have called you immediately together, had it not been the unanimous opinion of the Council, that

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<sup>t</sup> The same who suffer'd shipwreck in the Gulph of Florida.

<sup>u</sup> He was Chief Justice of the Province as well as Speaker of the Assembly.

my continuing the Administration of the Government, in all its parts, was not only warranted but also directed by an act of Assembly which had received the royal sanction.

“Nevertheless when you have considered the minute of the Council which I have ordered to be now laid before you I shall likewise be glad to have the sentiments of your House upon that resolution wherein I think it will be convenient that we all agree.

“Gentlemen, If it be granted, as I think it must, that a governor is a necessary agent to be continually employ'd in providing for the protection, safety, and ease of all the people in the government, it will then follow that such a service in this populous place cannot be duly performed without a considerable charge, and the whole expence of ones time, even with diligent application. And since you are the proper judges how far I have done my duty in these particulars, I take leave to put you in mind that the supplies that have been granted by former assemblies for the particular support of my family, are now actually exhausted, and the time for which they were supposed to be given, is expired ever since the month of October last.

“I shall conclude with recommending a friendly temper, and unanimity in all your proceedings, and whatsoever else occurs to me of Business shall be communicated to you by way of message.”

The assembly made the following short reply.

“May it please the Governor:

“This House is deeply touched with the sorrowful news of the death of our late Proprietary and Governor in Chief, and we are very apprehensive of the loss this province may sustain thereby; but the measures which the governor and council took upon that emergency in continuing the administration of the government as the act of assembly directs, is so agreeable to our sentiments, that we can do



no less than express our great satisfaction therewith, and unanimously return our hearty and grateful acknowledgments of the governors care and concern for the well-fare of this colony manifested in that instance as well as in the general course of his proceedings in government

“ We have not fully examined the state of the public accounts, so as to reduce the funds to a certainty, therefore we cannot as yet be particular in answer to the latter part of the Governors speech, but crave leave to assure the governor that we have a due sense of our duty in respect to the support of his Administration, and hope to acquit ourselves accordingly.

“ By order of the House

“ JONATHAN DICKENSON, Speaker.

“ December 18, 1718.”

On the 19<sup>th</sup> of December, the Governor sent the following message:

“ Mr. Speaker, and Gentlemen of the Assembly,

“ In answer to your message of yesterday, you will find upon the journal of the last assembly dated the 19<sup>th</sup> day of September that I sent them a copy of the minute of Council, relating to the Agency, which is all that I yet know of that matter, & hereby I send you the Honourable Mrs Penns original letter to me, giving an account of the Proprietary's Death &c.

“ But that you may still be more fully convinced that I keep no reserve with you, neither have I any interest in view, which can be separated from yours, I likewise send you, the copies of two letters of complaint, which had been delivered to the lords of trade against the proceedings of former assemblies in this province: with Mr. Joshua Gee's defence, & my answer to him on that subject; because I understand it is surmized in the country as if I had already received powers of Government from Great Britain since

the Proprietarys Death; I think it proper to assure you that there is not any ground for that report; and so soon as any such powers shall come to my hands, either from the crown, the late Proprietarys family, or the mortgages, you may depend on it, that the assembly shall be forthwith acquainted therewith.

“The full approbation of my conduct which you were pleased to express in your affectionate address of yesterday gives me a great deal of satisfaction; and it will always be a pleasure to me effectually to serve and promote the interest, and prosperity of the people of this province whom you represent.

“WILLIAM KEITH.

“December 19, 1718.”

1719. William Trent being chosen Speaker by the new Assembly returned at the Election, in October 1719, the Governor then address'd them the following terms.

“Mr. Speaker and Gentlemen of the assembly

“I must reflect on every occasion I have had to meet the assembly of this province with great satisfaction, and the present opportunity cannot possibly leave a less agreeable remembrance since I have the pleasure to present you with the royal assent to, and perpetual confirmation of a law which gives you the full enjoyment of English Liberties, and therefore must doubtless be forever valued by yourselves and your Posterity as an inestimable freedom and birth-right; I mean the act which I pass'd in May 1718 for the Advancement of justice, and more certain administration thereof.

“This success has been chiefly owing to the perfect harmony and good correspondence that has hitherto subsisted between me and the representatives of the people, a circumstance which secures our peace and puts us above the reach of faction, for so long as your friends in this government con-

tinue to be mine, my enemies must unavoidably expect to be treated as yours, and while so guarded, what have we to fear? Gentlemen, knowing that it is not an usual season of the year for a long session, I would not overcharge you with business; only I must in one point take leave to recommend to you the imitation of an English House of Commons, by voting at first the sums which you shall judge necessary to support the charge of government for the current year, and then with conveniency proceeding to the ways and means for raising that supply. This method not only gives life and credit to the administration, but will be of great use to me, both in the management of the public, and my own private affairs, which equally depend upon your conduct & good will."

The assemblys address:

" May it please the Governor,

" The satisfaction the Governor is pleased to express on his meeting the several assembly's of this Province is very agreeable to this House: And as his care on all occasions hath hitherto been an evident proof of his affection to the inhabitants thereof, and his extraordinary diligence in so speedily getting the royal approbation to the law intituled *An act for the advancement of Justice, and more certain Administration thereof*, is a further instance of his great care and regard to the peace and tranquility of this province which lays the inhabitants thereof, under lasting obligations, and will we presume continue an agreeable harmony between the governor and the people of this province, as well as defeat the endeavors of such who may justly be esteem'd enemies to him and our constitution.

" The circumstances of this country, the state of the public funds and our present inclination to an adjournment consider'd we crave leave to proceed no further at present than to assure the governor that being deeply sensible of the



many obligations this Province lies under, we esteem it our indispensable duty to support the Governor and Government to the utmost of our Power, and hope at our next meeting cheerfully to perform the same to general satisfaction.

“ By order of the House,

“ WILLIAM TRENT, Speaker.”

1720. To the assembly which met in the spring 1720, the Governor among other things, hinted the necessity of a court of chancery and speaks on the subject in the following terms.

“ Upon some representations that have been made to me that a court of equity or chancery was very much wanted in this government, I thought proper to consult the opinion of Gentlemen, learned in the law, and others of good judgment, who all agree that neither we, or the representative body of any of his Majestys colonies are invested with sufficient powers to erect such a court, or that the office of chancellor can be lawfully executed by any person whatsoever except him, who by virtue of the great seal of England, may be understood to act as the kings representative in the place; but the opinion of your House of what may be with safety done for your country's service in this case shall principally direct my conduct.”

In consequence of the proposition here made, and encouragement given him by the council and assembly, Sir William Keith soon afterwards established a court of chancery in Pennsylvania by the following Proclamation.<sup>v</sup>

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<sup>v</sup> This court of chancery became in time to be thought a great nuisance, and was therefore laid aside.

In the year 1725, John Kinsey afterwards Chief Justice of Pennsylvania, being then in the way of his business as a lawyer, obliged to attend the court of chancery, at which Sir William Keith sat President, had his hat taken off by his order, the Quarterly Meeting of Friends being soon after held in Philad<sup>a</sup>, appointed a Committee, to wit, Rich<sup>d</sup> Hill, John Goodson, Anthony Morris, William Hudson, Rowland Ellis, Evan Evans, Richard Hayes, Reese Thomas, Morris Morris, and Robert Fletcher to wait on the governor, and request him

“ By Sir William Keith Esq. Governor of the Province of Pennsylvania, and the Counties of New-Castle, Kent, & Sussex upon Delaware.

“ A Proclamation.

“ Whereas Complaint has been made, that courts of chancery or equity, tho absolutely necessary in the administration of justice, for mitigating in many cases the rigour of the Laws whose judgements are tied down to fixed and unalterable rules and for opening a way to the right and equity of a Cause for which the law cannot in all cases make a sufficient Provision, have notwithstanding, been too seldom regularly held in this Province in such manner as the agrieved subjects might obtain the relief, w<sup>ch</sup> by such courts ought to be granted. And whereas the representatives of the Freemen of this Province taking the same into consideration, did at their last meeting in assembly request me that I would with the assistance of the Council open and hold such a court of equity for this province to the end that his Majestys good subjects may no longer labour under those inconveniences which are now complained of, I have thought fit, by and with the advice of the Council hereby to publish and declare, that with their assistance I purpose (God willing) to open & hold a Court of Chancery or Equity, for this province of Pennsylvania, at the courthouse in Philad<sup>a</sup> on Thursday the Twenty fifth day of this instant August, from which date the said Court will be and remain always open for the relief of the subject to hear and deter-

in a respectful manner to continue the privelege which the Quakers conceived themselves legally entitled to, of appearing in courts or otherwise in their own way, according to their religious persuasions. An address being accordingly drawn up, was presented, which with the entry made thereon by order of the governor in the court of Chancery, and certified by the register is as followeth.

“ To Sir William Keith Barronett, Governor of the Province of Pennsylvania &c.

“ The Humble Address of the people called Quakers, by appointment of their, Quarterly Meeting, held in Philadelphia, for the city and county, 2<sup>d</sup> of y<sup>r</sup> 3mo: 1725

mine all such matters arising within this Province afores<sup>d</sup>, as are regularly cognizable before any court of chancery according to the laws and constitutions of that part of Great Britain called England, and his Majesty's judges of his supreme Courts as well as the justices of the inferior courts, and all other whom it may concern, are required to take notice hereof & govern themselves accordingly.

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"May it please the Governor,

"Having maturely considered the inconveniences and hardships which we are apprehensive all those of our community may be laid under, who shall be required or obliged to attend the respective courts of Judicature in this Province, if they may not be admitted without first having their hats taken off from their heads by an officer, as we understand was the case of our Friend John Kinsey, when the Governor was pleased to command him to be so taken off, before he could be permitted to speak in a case depending at the last court of chancery, after that he had declared that he cou'd not for conscience, comply with the governors order to himself to the same purpose, which being altogether new and unprecedented in this province was the more surprising to the spectators, and as we conceive (however slight some may account it) has a tendency to the subversion of our religious liberties.

"That this Province with the Powers of Govern<sup>t</sup> was granted by king Charles II to our Proprietor who at the time of the said Grant was known to dissent from the national way of worship in divers points, and particularly in that part of outward behaviour, of refusing to pay unto man the honor that he, with all others of the same profession believed to be due only to the supreme being, and they on all occasions have supported their testimony so far as to be frequently subjected to the insults of such as required that homage.

"That the principal part of those who accompanied our said Proprietor in his first settlement of this Colony, with others of the same Profession who have since retired into it, justly conceived that by virtue of the said powers granted to our Proprietor they should have a free and unquestioned right to the exercise of their religious principles and their persuasion in the aforementioned point and all others by which they were distinguish'd from those of other professions, and it seems not unreasonable to conceive an indulgence intended by the crown in graciously leaving the modelling of Government to him & then in such manner as may best suit their circumstances, which appears to have been an early care in the first legislators by several acts, as that for liberty of conscience, and more particularly by a law of this province pass'd in the 13<sup>th</sup> year of King William, Chap 92, now in force, it is provided that in all Courts, all Persons of all persuasions may freely appear in their own way, and according to their own manner, & there personally plead their own cause, or if unable, by their friends, which provision appears to be directly intended to guard against all exceptions to any persons appearing in their own way, as our Friend did at the aforesaid Court.



“Given at Philadelphia, the 10<sup>th</sup> Day of August in the seventh year of the reign of our sovereign lord George, King of Great Britain France and Ireland, Defender of the Faith Annoq: Domini 1720

“WILLIAM KEITH.”

The assembly in their address upon this requested that such of the council might be excepted from being assistants in the said court as had heard the same cause in any inferior Court, and in other points seem to have heartily acquiesced.

“Now tho’ no people can be more ready or willing in all things essential to pay all due regard to superiors and to honor the courts of justice, and those who administer it, yet in such points as interfere with our conscientious persuasion we have openly and firmly borne our testimony in all countries and places where our Lots have fallen.

“We must therefore crave leave to hope from the reasons here humbly offered, that the Governor when he has fully consider’d them, will be of opinion with us, that we may justly & modestly claim it as a right that we and our friends should at all times be excused in this government, from any compliances against our conscientious persuasions, and humbly request that he would for the future account it as such to us, thy assured well-wishing Friends.

“Signed by appointment of the said Meeting, Richard Hill, Richard Hayes, Morris Morris, Antho Morris, Evan Evans, John Goodson, Rowland Ellis, Reese Thomas, Sam. Preston, William Hudson.”

“The 10<sup>th</sup> May 1725.”

“On consideration had of the humble address presented to the Governor, this day read in open court from the Quarterly Meeting of the People called Quakers for the city and county of Philadelphia, it is ordered that the said address be filed with the register, and that it be made a standing rule of the court of Chancery for the province of Pennsylvania in all time to come, that any practitioner of the Law, or other Officer or Person whatsoever, professing himself to be one of the people called Quakers, may & shall be admitted, if they so think fit, to speak or otherwise officiate, and apply themselves decently unto the said Court without being obliged to observe the usual Ceremony of uncovering their heads by having their Hats taken off; & such privilege hereby ordered & granted to the people called Quakers, shall at no time hereafter be understood or interpreted as any contempt or neglect of the said Court, & shall be taken only as an act of conscientious Liberty of Right appertaining to the religious persuasion of the said people, and agreeable to their practice in all civil Affairs of Life.

By S<sup>r</sup> WILLIAM KEITH CHANCELL<sup>r</sup>.”

“A True copy, examined  
by Cha<sup>s</sup> Brockden Re<sup>gr</sup>: Chan<sup>r</sup>.”

## CHAPTER XX.

KEITH RECOMMENDS THE APPOINTMENT OF A PROVINCIAL AGENT—THE ASSEMBLY GO INTO THE NOMINATION—HIS SPEECH TO THE ASSEMBLY OF 1721—THEIR ADDRESS TO HIM—HE CONTINUES IN THE GOVERNMENT TILL 1726—A SHORT SKETCH OF HIS CHARACTER—HIS DEATH—ACCT OF GOVERNORS SINCE, DOWN TO THE PRESENT TIME—THE DEATHS AND CHARACTERS OF A NUMBER OF THE PRINCIPAL INHABITANTS.

Of the assembly chosen in October 1720, Isaac Norris was appointed speaker; to them Keith address'd himself to the following effect.

He first felicitates himself and them, that the blessings of peace had hitherto crowned their endeavors at every session; That the want of an Agent continued to impede public business: That he thought the revenue Acts should grow with the growth of the Country; & that many Sessions in one year made repeated delays and seem'd calculated only to hinder public business.

They (the Assembly) remark'd that they had gone into the nomination of an Agent, but it had not yet fully taken effect, however, they would take the requisite care: They acknowledged frequent adjournments hurt business and hoped they should for the future act so as to avoid danger from that quarter.

1721. The assembly elected October 1721, chose Jeremiah Langhorne Speaker: The governor told them in his first message that his good success with former assemblies, and the hearty welcome and kind entertainment he met with wherever he went in the Country, led him to depend upon the affections of the people, and consequently their (the Assembly's) esteem. That he understood the country's changing some of their Member, were in compliment to him, at least from an opinion they had conceived of his hearty inclinations to grant them everything he could, in w<sup>ch</sup> they should not be disappointed. That the obvious

Duties of honest men were obligations reciprocal, and concluded with his usual offers of service.

The House told him as their first compliment that his former good success was owing to a steady administration of Justice, and with some more good words acquainted him with their intentions of adjourning.

In the middle of Winter they met again, when Keith opened the Session as follows:

“ Mr. Speaker & Gent: of the Assembly.

“ You have prudently chose the most seasonable time of all the year, for the dispatch of public business, when it will least interfere with y<sup>r</sup> private affairs in the country, and I hope I have been so happy to speak your sentiments with my own as often as I have lately had occasion to assure many of the good people of this province that we will at this time give an attentive ear unto all their complaints, and most diligently apply ourselves to restore the planters credit without discouraging the Merchants, by whose industry alone our trade must be supported with a sufficient currency of Cash.

“ My mind is so fully bent upon doing this province some effectual service that I have lately formed the design of a considerable settlem<sup>t</sup> amongst you, in order to manufacture & consume the grain for which there is at this time no profitable Market abroad, and altho’ this project will doubtless at first prove very chargible, and expensive to me, yet if it meets with your approbation, and the good will of the people, I am well assured it cannot fail of Answering my purpose to do a real service to the country: And every Interest or concern of mine shall ever be built on that bottom.

“ Gentlemen, If in the prosecution of your affairs this Session, anything shall happen wherein my private advice or assistance can be servicable to you, be assured I will readily and cheerfully meet as often as there shall be occa-



sion with any committee you think fit to appoint; for as I am persuaded the public good will be the rule of our thoughts, we may reasonably expect the best issue from united councils."

The Assemblies address:

"May it please the Governor

"It is with great complacency this House receives the Governors fresh assurances of his regard to the people we represent in such affectionate expressions and zeal to restore the Planters credit with his just care of the Merchant who (of late) with others equally lie under the great disadvantage of want of a sufficient Currency of Cash, as appears to us from the melancholly complaints of the people, and we will readily fall in with any scheme as shall appear to us conducive to a remedy.

"We gratefully acknowledge the governors condescension to acquaint this House of his forming a design to manufacture and consume the grain of this country—we hope the success will answer the governors expectation by a fruitful advantage of his Interest, & consequently that of the Country which are inseperable.

"We heartily thank the Governor for his repeated offers, in condescending cheerfully to assist and advise this assembly in what may be for the public good.

"11<sup>th</sup> mo: 2<sup>d</sup> 1721-2"

Sir William Keith came to the Government of Pennsylvania the first of the month called May 1717 and continued till the summer 1726. He was a respectable handsome man had some good qualities, and with these the arts of popularity to a great degree. It was indeed usual with him to carry his familiar deportment among the people to such a length that often seemd to discover more of design than any disposition barely to oblige. His affability however, had

its effect with numbers insomuch that upon notice of his being to be removed from the administration, many petition'd the Assembly to make him some gratuity: After he was turned out they even chose him a member of the Assembly. To do him justice their resentments in his favor were not altogether founded upon popular prejudice, the Province of Pennsylvania must be looked upon indebted to him not only for several beneficial Acts at home, but for his unwearied endeavors to promote the Paper Money scheme against the strong opposition of some of the most ruling men of these times. He died poor in London in or about the year 1749.

Patrick Gordon succeeding S<sup>r</sup> W<sup>m</sup> Keith in the Summer 1726, he continued Gov<sup>r</sup> till the Summer 1736, when dying, the administration devolved on the council, James Logan president, who governed till the summer 1738 when George Thomas arrived governor, who continued till the summer 1747. Then the council governed, Anthony Palmer Prs<sup>t</sup> till November 24, 1748 when James Hamilton arrived Governor, and continued till his resignation in October 1754, when Rob<sup>t</sup> Hunter Morris arrived and continued till W<sup>m</sup> Denny succeeded him in 1756. He governed till 1759, when James Hamilton succeeded Him and continued till 1763 when John Penn arriv'd Gov<sup>r</sup> & continued till 1771, when James Hamilton became Gov<sup>r</sup> again as President of the Council & cont<sup>d</sup> till the Fall of the same year when Rich<sup>d</sup> Penn Esq<sup>r</sup> the present Gov<sup>r</sup> arrived.

1722. In this year died Jonathan Dickinson. On his first removal from Jamaica to settle in Philadelphia, he with his wife and a large family was shipwreckd in the Gulph of Florida, and sufferd a great variety of dangers & hardships among the Indians there. He bore a large share in the Administration of Justice in Pennsylvania with a good character; was some time speaker of the assembly; had a great Interest in the City, & was a man generally well-beloved by his friends & neighbours.

1725. In the Summer 1725 died William Allen, Father to William Allen Esq<sup>r</sup> the present chief Justice of Pennsylvania, tho' not one of the first settlers, he was a considerable promoter of the trade of the Province, having been for many years an eminent merchant of the city of Philadelphia and left behind him a good character & a good estate.

1729. The ninth of September this year, died Richard Hill of Philadelphia. He had his birth in Maryland, was brought up to the sea, and commanded some good ships in his youth, but afterw<sup>ds</sup> settled in Philad<sup>a</sup> on account of his wife the relict of John Delavall and eldest Daughter of Thomas Lloyd. He was twenty five years a member of Council for the province; had been divers times Speaker of the Assembly; had borne several offices of trust, and was for several years first commissioner of Property, during the last Ten years of his Life, was one of the Provincial Judges. His Services in the society of Friends, of which he was for many years an Active Member were likewise very considerable. He had by nature & acquisition such a constant firmness as furnish'd him with undaunted resolution to go through with whatever he undertook. His sound judgment, his great esteem for an English constitution & its Laws; His tenderness for the liberty of the subject, & his zeal for preserving the reputable order establish'd in his own Community, with his great generosity to those he accounted proper objects of it qualified him for the greatest services in every station he was engaged in, & render'd him of an uncommon value in the place where he lived.

1731. In the begining of the month called August this year, died David Lloyd of Chester, Chief Justice of the Province of Pennsylvania. He was, as we have seen for many years speaker of the Assembly, and one of those principally concern'd in the opposition given to the Governors Evans & Gookin, and in the seperating the Province of Pennsylvania from the lower Counties so as to compose Assemblies independent on each other, according to the



present practice. He had his reasons for his conduct thro' great opposition & conflict But Pennsylvania on the score of some Priviledges particularly with regard to the Assemblys sitting on their own adjournments may date in some part at least from his endeavours & perseverance.

1735. This year died Isaac Norris of Philad<sup>a</sup> Chief Justice of Pennsylvania, to which station he was appointed on the death of David Lloyd in 1731. He went thro' this & divers other public stations with reputation and honor, and his services in the business of his own community entitled him to an uncommon esteem among his Brethren the Quakers; His Love to the truth was great; His action in its service among the foremost. He very well knew (and show'd it by his conduct) that to be useful to men was one of the great ends of his creation, that to answer this end, mankind were to be taken as they are, that where they could not be mended their lesser failings must be endured: That as God had endowed him with great Talents, it was incumbent on him to use them to the best of his understanding. That to do this effectually according to duty and a good conscience, little dislikes and many ungrateful things incident to Mortals must be put up with, and a spirit above them constantly nourish'd, that by carrying thro' life a christian temper and an even hand he might be on all occasions qualified to use his abilities to advantage; His example in this by station conspicuous was noble in itself and his character in most respects so honorable among men, and universally beneficial to those of his own communion, that render'd him an ornament to his Country & Profession and his death a great loss to both.

1741. In the latter end of the Summer 1741, died Andrew Hamilton of Philadelphia. He had gone through several considerable stations in the government of Pennsylvania and in the lower counties. He was long speaker of the Assembly for the Province, and some time of the Assembly for the Counties. He was a Lawyer of great note for many

years in which station, he acquired much reputation, particularly in Zengers famous tryal at New York, and did some valuable acts for the public.

1742. At the Election for representatives of the County of Philad<sup>a</sup> this year, when the electors were assembled in the Market place, and had just begun the choice of Inspectors, a body of Sailors supposed to be about 70 or 80 collected from several Ships in the Harbor appear'd at the lower end of Market street, armd with clubs and Huzzaing march'd up in a tumultuous manner towards the People who were met to elect, as they were mostly Strangers and had no kind of right to intermeddle with the Election & some ill consequences apprehended if they should be sufferd to mix with clubs among the Inhabitants, some of the Magistrates and other persons met them, and endeavour'd to prevail with them to return peaceibly to their Ships but without effect: They fell on with their clubs and knocking down Magistrates, Constables and all others who opposed them, fought their way up to the Court House, and cleard the place of Election—the people retiring into the Market-House and Second street in a kind of amaze at such unexpected and unusual treatment. After the Sailors had triumph'd a while before the Court-House, they march'd off, and the people without pursuing them, continued and finish'd their Election of Inspectors, which was no sooner done, but the Sailors return'd more Numerous & furious than at first, fell on the people a second time, and knock'd down all they came near—several were carried off for dead and the confusion was great: Some of *The* Inhabitants losing at length all patience, furnish'd themselves with sticks from the neighbouring Woodpiles and turn'd upon the Sailors who immediately fled to their Ships, and hid themselves from whence they were dragg'd out, one by one, and before night near fifty of them were committed to Prison, whence they were soon after discharg'd. It was now war-time & there was in the province high party work.

1750. The beginning of the Month call'd May this year died of an Apoplectic fit at Burlington John Kinsey of Philad<sup>a</sup>. He was for the last seven years of his Life Chief Justice of Pennsilv<sup>a</sup> which station he went through with an unblemish'd integrity, and so much reputation that the chief of the business of the lower courts followed him there. He was many years a member & speaker of the Assembly of New Jersey, where he distinguish'd himself w<sup>th</sup> so much zeal and patriotism that greatly endeared him to the people of that Province. On his removal to Philadelphia in 1730, he was soon chose into the Assembly there, of which Assembly he was speaker the last ten years of his life successively, excepting a Month or two in 1740, that John Wright was chose in his Absence as Ambassador on an Indian Treaty at Albany. He was a great Lawyer, in his practice had great business and great success, and was sometime Attorney General. His long experience and great ability in the management of public affairs, his skill in the Laws and readiness at communicating his knowledge that way often without fee or reward, and his tenderness to his Friends with the exercise of many civil and social virtues made his life a very useful and valuable one and his death justly lamented as a universal loss to these provinces.

1751. The 31<sup>st</sup> of October this year died James Logan aged about 77 years: His Life was for the most part a Life of Business, of which we have had a considerable account before: The department allotted to him in the times of the Lieutenant Governors Evans & Gookin, exposed him to much altercation with David Lloyd, then frequently at the head of the respective Assemblys in the capacity of Speaker and a large number that joind him: He stuck to what was deemed the Proprietary Interest, and in many interest exerted himself with great fidelity to it: He had borne the several offices of Provincial Secretary, Commissioner of Property, Chief Justice, and for near three years governed



the Province as President of the Council. Many years before his death he retired from public affairs to Stenton, his country seat, where he enjoyed among his Books that leisure which men of Letters so earnestly desire. He was well versed both in ancient and modern learning, Acquainted with the Oriental tongues, A Master of the Greek, & Latin, French & Italian Languages, Deeply skill'd in the Mathematical Sciences, and in Natural & Moral Philosophy as several pieces of his writing witness, which were said to be repeatedly printed in divers parts of Europe, and highly esteemed by the Learned. He left as a Monument of his public spirit and benevolence to the people of Pennsylvania, a Library which he had been fifty years in collecting, intending it for the common use and benefit of all lovers of learning. It is said to contain the best editions of the best books in various Languages Arts & Sciences, and to be the largest & by far the most valuable collection of the kind in this part of the world.

1751. About this time died John Wright of Lancaster County Pennsylvania in the 84<sup>th</sup> year of his age, he was born in 1667 in the County of Lancaster in England, of religious & reputable Parents who were among the early professors of the doctrines held by the Quakers & lived & died esteemed members of that Community. He was educated with a view to the practice of Physick but declined pursuing it, and entered into Trade till the year 1714, when he removed with his family into Pennsylvania well recommended by Certificate from his Friends in that part of England both as to His moral charracter, and as a Preacher in the Society with whom they had for many years lived in strict amity: Soon after his settlement in this Province his Principles & conduct recommended him to the notice of the public, he was a representative in the General Assem<sup>y</sup> for Chester County; Many years one for Lancaster County. In his station as a Judge of this last County, He was noted for a prompt honest plainness & candour, and an inflexible Integrity:

In the year 1741 in the affair of inlisting Indented Servants which Governor Thomas first permitted to be carried into practice (before the Act of Parliament on that subject was made) he spoke his mind in the Assembly against it with freedom and was dismissed from his Office as a Judge by a New Commission which came out for Lancaster without his name<sup>x</sup>. He continued to attend the Assemblies till broken health and advanced age rendered such attendance difficult & sometimes impracticable although the people among whom he lived from a long experience of his Services and regard to him would not be prevailed on by himself or his family to name another in his stead for that station But continued to return his name till he died; Through every situation in Life his good will to mankind, His love of peace and good order, and his endeavours to give them a permanent footing in his neighbourhood, and in the Country in general were known to be his delight & study. His sense of religion and the Testimony he bore to it was free from intemperate zeal, yet earnest and attended with Life & Spirit influenced by the Love of God & benevolence to his whole creation, such he continued with his understanding clear, His mind calm cheerful and resigned to the advanced period of old age when he expired without a groan.

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<sup>x</sup> Having got notice of the intended dismission he came prepared to take his leave with a good grace, and accordingly made a speech to the Grand Jury which they requested might be made public. Here take it in. N:\*

\* Paper missing. Ed.





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